

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

WA.No. 1139 of 2015 IN WP(C).14496/2015

AGAINST THE JUDGMENT IN WP(C) 14496/2015 DATED 27/05/2015

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APPELLANT/PETITIONER :

ANIL KUMAR A., AGED 45 YEARS
S/O. APPU, RESIDING AT PRIYA NIVAS, KAVINPURAM
VILAPPILSALA P.O., TRIVANDRUM - 695 573
JUNIOR ASSISTANT (UNDER SUSPENSION) SUPPLY CO-MAVELI STORE
CHERIYAKONNI, TRIVANDRUM DISTRICT.

BY ADV. SRI.C.K.SREEJITH

RESPONDENTS/RESPONDENTS :

1. REGIONAL MANAGER
THE KERALA STATE CIVIL SUPPLIES CORPORATION LTD
REGIONAL OFFICE, MAVELI TOWER, SISUVIHAR ROAD
SASTHAMANGALAM P.O., VAZHUTHACAUD
TRIVANDRUM - 695 010.
2. THE CHAIRMAN
THE KERALA STATE CIVIL SUPPLIES CORPORATION LTD
MAVELI BHAVAN, MAVELI ROAD, GANDHI NAGAR
KOCHI - 682 020.
3. ASSISTANT MANAGER
NEDUMANGAD DEPOT
THE KERALA STATE CIVIL SUPPLIES CORPORATION LTD
NEDUMANGAD, TRIVANDRUM - 695 541.

R1 BY ADV. SMT.MOLLY JACOB,SC,SUPPLYCO

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 05-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ASHOK BHUSHAN, C.J. & A.M. SHAFFIQUE, J.

W.A. No. 1139 OF 2015

Dated this the 5th day of June, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel for the appellant. This writ appeal has been filed against the judgment dated 27.05.2015 in W.P.(C) No.14496 of 2015.

2. The petitioner who was working as a Junior Assistant in Kerala State Civil Supplies Corporation was placed under suspension by order dated 07.02.2015. Petitioner thereafter filed application dated 20.03.2015 praying that he may be reinstated pending adjudication of the case. Petitioner thereafter filed the writ petition praying for the following reliefs:

"(i) issue writ of certiorari quashing Ext.P1 suspension order.

(ii) issue writ of mandamus or such other writ or direction directing the 1st respondent to reinstate the petitioner in the same place of service pending adjudication of the disciplinary proceedings against the petitioner as applied as Ext.P4."

3. Learned Single Judge by the impugned judgment has disposed of the writ petition directing the Corporation to complete the disciplinary proceedings initiated against the petitioner within a period of six months from the date of receipt of a copy of the judgment. Learned Single Judge rejected the prayer of the petitioner for reinstatement at that stage.

4. Petitioner, feeling aggrieved by said order, has come up with the appeal contending that his application for reinstatement is pending and a direction be issued to consider the same. Learned Single Judge has considered all aspects of the matter and directed that disciplinary proceedings be completed within six months. No error has been committed in refusing the prayer of petitioner for reinstatement at that stage. We are of the view that there was no need to issue any direction to consider the petitioner's application for reinstatement. The reinstatement during the suspension can be considered only when there is unreasonable delay in completing the enquiry without any fault of the delinquent employee. Present is not a case where it can be said that there is unreasonable delay.

5. We do not find any error which may warrant exercise of appellate jurisdiction. However, the appellant shall be at liberty to make fresh application in the event the enquiry is not completed within six months as directed by learned Single Judge, with no fault of the appellant.

With this observation, the Writ Appeal is dismissed.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**