

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

WP(C).No. 2333 of 2011 (N)

PETITIONER:

ANNAMMA EAPEN, AGED 50 YEARS, D/O.EAPPEN,
PARAPPURACKAL HOUSE, VANNAPPURAM P.O., IDUKKI.

BY ADVS.SRI.A.X.VARGHESE
SRI.A.V.JOJO
SRI.P.A.WAZEEM

RESPONDENT(S) :

1. THE DIRECTOR OF INSURANCE MEDICAL SERVICES,
DIRECTORATE OF INSURANCE MEDICAL SERVICES DEPARTMENT,
THIRUVANANTHAPURAM-695001.

2. THE REGIONAL DEPUTY DIRECTOR, INSURANCE MEDICAL
SERVICE (CZ), ERNAKULAM, KOCHI-680031.

3. THE INSURANCE MEDICAL OFFICER, ESI DISPENSARY,
PERUMBAVOOR-685542.

* ADDL. R4 TO R7 IMPEADED

4. HAMSA U.A., UD.CLERK, ESI DISPENSARY, PERUMBAVOOR.

5. P.K.ISSAC, L.D.CLERK, ESI DISPENSARY, PERUMBAVOOR

6. C.S.BHASI, NURSING ASSISTANT, ESI DISPENSARY, PERUMBAVOOR.

7. C.P.JAMES, PHARMACIST, ESI DISPENSARY, PERUMBAVOOR.

* ADDL.R4 TO R7 IMPEADED AS PER ORDER DATED 08/02/2011
IN IA.1957/2011.

R1 TO R3 BY GOVERNMENT PLEADER SRI.MANOJ P. KUNJACHAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 14-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

P.T.O.

WP(C) .No. 2333 of 2011 (N)

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1: TRUE COPY OF THE REPRESENTATION DATED 21/08/2010.

EXHIBIT P2: TRUE COPY OF THE NOTICE DATED 08/10/2010

RESPONDENT'S EXHIBIT:

NIL

/TRUE COPY/

P.S. TO JUDGE

SVS

K. VINOD CHANDRAN, J.

W.P.(C) No.2333 of 2011-N

Dated this the 14th day of July, 2015.

JUDGMENT

The petitioner has filed the above writ petition, seeking direction to the first respondent to ensure that there is no harassment caused to the petitioner, at her workplace and to ensure a good working atmosphere of the petitioner in the 3rd respondent's Office. The petitioner also prays for an enquiry into the allegation, as has been projected in Ext.P1. When the matter was taken up, there is no appearance for the petitioner.

2. Having gone through the averments in the writ petition, the petitioner is seen to have made bland allegations, against the 3rd respondent that she was abused in the presence of patients and other staff

members of the institution. There is also an allegation that there was some discrepancy in the Service Book of one Head Clerk, which was brought to the notice of the 3rd respondent by Ext.P2, which was not taken account of. The petitioner, being a Scheduled Caste, is also said to have made a complaint before the Tribal Development Officer, Muvattupuzha.

3. At the outset, it is not clear as to how, the petitioner, who admittedly contends that she is a Scheduled Caste, can make a representation before the Tribal Development Officer. Further, paragraph 4 of the Counter Affidavit shows that the petitioner had not submitted leave applications on the dates, as submitted by her in the writ petition. The leave was not sanctioned, only since no such application was made.

4. Further, the petitioner, who was in charge of the cash, did not handover the chest key and registers, neither to the Head of Office or to the Office staff and she had

remained absent unauthorisedly.

5. The same is absolutely necessary for the day-to-day working of the organisation. It is the specific contention that the complaint made is an offshoot of the proceedings initiated against the petitioner herein.

In such circumstance, the writ petition would stand dismissed, leaving the parties to suffer their respective costs.

Sd/-

**K. VINOD CHANDRAN,
JUDGE**

sp