

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 6TH DAY OF NOVEMBER 2015/15TH KARTHIKA, 1937

WA.No. 2209 of 2015 IN WP(C).9829/2013

AGAINST THE JUDGMENT IN WP(C) 9829/2013 of
HIGH COURT OF KERALA DATED 08-01-2015

APPELLANT(S)/PETITIONER:

DR.JYOTHILEKSHMI M.G., AGED 39 YRS,
W/O.SREEMON.D., RESIDING AT SREEMANDIRAM
S.V.MARKET (P O), KOZHIKODE MEKKU KARUNAGAPPALLY
KOLLAM DISTRICT.

BY ADVS.SRI.M.V.THAMBAN
SRI.R.REJI
SMT.THARA THAMBAN
SRI.B.BIPIN

RESPONDENT(S)/RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO THE GOVERNMENT
DEPARTMENT OF HEALTH AND FAMILY WELFARE
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM
PIN - 695 001.
2. STATE MISSION DIRECTOR (NRHM)
NATIONAL RURAL HEALTHY MISSION
GENERAL HOSPITAL JUNCTION
THIRUVANANTHAPURAM, PIN - 695 001.
3. THE DIRECTOR OF HOMOEOPATHY,
DIRECTORATE OF HOMOEOPATHY (PATTOMTHANUPILLA
MEMORIAL HOMOEOPATHY HOSPITAL)
EAST FORT, THIRUVANANTHAPURAM -695 023.
4. THE DISTRICT PROGRAMME MANAGER,
NATIONAL RURAL HEALTH MISSION, KOLLAM - 691 001.
5. THE HOSPITAL MANAGEMENT COMMITTEE,
GOVERNMENT TALUK HOMOEOPATHY HOSPITAL, KARUNAGAPALLY
KOLLAM- 690 518.
6. THE DISTRICT MEDICAL OFFICER (HOMOEOPATHY)
DISTRICT MEDICAL OFFICE, KOLLAM -690 001.

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7. THE SUPERINTENDENT,
GOVERNMENT TALUK HOMOEOPATHIC HOSPITAL, KARUNAGAPALLY
KOLLAM - 690 518.
8. THE MUNICIPAL CHAIRMAN,
KARUNAGAPALLY MUNICIPALITY, KARUNAGAPALLY
KOLLAM- 690 518.
9. THE KARUNAGAPALLY MUNICIPALITY,
REPRESENTED BY ITS SECRETARY,
KARUNAGAPALLY, KOLLAM DISTRICT, PIN-690518.
10. Mr.SURESH, DISTRICT MEDICAL OFFICER,
DISTRICT MEDICAL OFFICE,
KOLLAM DISTRICT, PIN-690001.

BY Sr.GOVERNMENT PLEADER SRI P.I.DAVIS

BY SRI.M.R.SASITH

BY SRI.M.AJAY,SC,NATIONAL RURAL HEALTH MISSION.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 06-11-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ami/

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

W.A.No.2209 of 2015

Dated this the 6th day of November, 2015.

J U D G M E N T

ASHOK BHUSHAN, C.J.

Heard the learned counsel for the appellant. This writ appeal has been filed against the judgment dated 8.1.2015 in W.P.(C)No.9829 of 2013, by which judgment, the writ petition filed by the appellant, challenging the order of termination of her contractual employment, has been dismissed. The petitioner, who is holding BHMS degree, was engaged in her service on contractual basis since January 2011 onwards. The period of her contractual employment was extended from time to time till 12.11.2013. Certain reports were received by the District Medical Officer and other authorities. By letter dated 2.4.2013 issued by the Superintendent, Government Homeo Hospital, the petitioner was informed that her service was terminated from 2.4.2013. The said order was challenged by the petitioner in the writ petition. The learned counsel for the

appellant submits that since there were certain complaints against the petitioner, on the basis of which, reports were obtained and the termination was effected, it was incumbent upon the respondents to hold a disciplinary enquiry. It is further contended that the observations in the reports, which were sent against the petitioner, may affect her future prospect of employment. Hence she is entitled for an opportunity to meet the statements made in the reports.

2. We have considered the submissions of the learned counsel for the appellant and perused the records.

3. As the nature of employment of the appellant is being contractual only, there was no lack of jurisdiction for the authorities to take a decision to terminate the contractual employment. Ext.P6 order dated 2.4.2013, by which her termination was effected, is a non-stigmatic order and it also does not indicate that the petitioner is being terminated on the basis of any charge or allegation. The authorities did not decide to hold any enquiry nor proceeded to issue a charge memo to the petitioner and effected a

simplistic termination which does not cast any stigma. We are of the view that, no error can be said to have been committed in the order terminating the service of the petitioner. The order having not been passed on the basis of any proof of charge or allegation nor it has been effected after drawing of an enquiry, we are of the view that, the said order does not in any manner bar any future employment of the petitioner. The learned Single Judge after having considered the submissions of the petitioner has not committed any error of jurisdiction in not interfering with the order of termination. We are also of the same opinion.

With the above observations, this writ appeal is closed.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M.SHAFFIQUE,
JUDGE.

ami/

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P.A. to Judge