

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937

WA.No. 2301 of 2015 () IN WP(C).27089/2015

AGAINST THE ORDER/JUDGMENT IN WP(C) 27089/2015 of HIGH COURT
OF KERALA DATED 16-09-2015

APPELLANT(S) /PETITIONER:

AJI.R
SUPERINTENT, AUDIT SECTION, KSRTC, KOLLAM.

BY ADVS.SRI.JOHNSON GOMEZ
SRI.ANIL ELGIN
SRI.S.BIJU (KIZHAKKANELA)

RESPONDENT(S) /RESPONDENTS:

1. KERALA STATE ROAD TRANSPORT
CORPORATION,
REPRESENTED BY THE MANAGING PARTNER,
KSRTC BHAVAN
EAST FORT, THIRUVANANTHAPURAM, PIN - 695 023.
2. THE MANAGING DIRECTOR,
KSRTC, KSRTC BHAVAN, EAST FORT
THIRUVANANTHAPURAM, PIN - 695 023.
3. THE EXECUTIVE DIRECTOR
VIGILANCE, KSRTC, KSRTC BHAVAN
EAST FORT, THIRUVANANTHAPURAM, PIN - 695 023.
4. THE FINANCIAL ADVISER AND CHIEF
ACCOUNTS OFFICER (FA & OA) ,
KSRTC, KSRTC BHAVAN
EAST FORT, THIRUVANANTHAPURAM, PIN - 695 023.
5. V. SUNIL KUMAR
OUT AUDIT DEPARTMENT (OAD) , KSRTC,
KOLLAM - 691 001.

BY SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 26-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN &
ANU SIVARAMAN, JJ.

.....
W.A.No.2301 of 2015
.....

Dated this the 26th day of October, 2015.

J U D G M E N T

Thottathil B.Radhakrishnan, J.

- 1.We have heard the learned counsel for the appellant and the learned standing counsel for the Kerala State Road Transport Corporation.
- 2.Appellant/petitioner has been placed under suspension as per Ext.P1. The learned single Judge directed that Ext.P6 representation to be considered with notice to the petitioner, who is the appellant before us. Through the writ petition, the appellant/petitioner sought two reliefs. The first relief was that Ext.P1 order of suspension be quashed and the second was that Ext.P6 representation be directed to be considered. May be because what was, ultimately, urged before the learned single Judge at the time of arguments was that Ext.P6 representation be considered or it could have also been because the learned single

Judge was of the firm view that, at the first instance, judicial interference with an order of suspension is not permissible unless in an exceptionally exceptional circumstance. The impugned judgment was issued confining the direction to be one for consideration of Ext.P6 representation. We have looked into the materials in the writ petition and the nature of the allegations. We are of the view that the matter should be left to the establishment to decide on the issue and the learned single Judge was, therefore, justified in taking recourse to the manner in which the writ petition has been ordered. We do not find any justification to entertain this intra-court appeal under Section 5 of the Kerala High Court Act, 1958 and interfere with the judgment of the learned single Judge. This writ appeal, therefore, fails.

In the result, this writ appeal is dismissed in limine.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(ANU SIVARAMAN, JUDGE)