

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

WA.No. 2577 of 2015 IN WP(C).26963/2013

AGAINST THE JUDGMENT IN WP(C) 26963/2013 DT.16.07.2015

APPELLANT/PETITIONER:

O.J.JOSEPH AGED 56 YEARS
S/O.OUSEPH, RETIRED STORE KEEPER, KSRTC
REGIONAL WORKSHOP, MAVELIKKARA
RESIDING AT OARATTEN HOUSE, KURIYANAD P.O.
KOTTAYAM DISTRICT.

BY ADVS.SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SMT.MEGHA K.XAVIER

RESPONDENTS:

1. KERALA STATE ROAD TRANSPORT CORPORATION
REPRESENTED BY THE MANAGING DIRECTOR
TRANSPORT BHAVAN, THIRUVANANTHAPURAM-695001.
2. THE MANAGING DIRECTOR
KSRTC, TRANSPORT BHAVAN, THIRUVANANTHAPURAM-695001.
3. THE EXECUTIVE DIRECTOR (VIGILANCE)
KSRTC, TRANSPORT BHAVAN, THIRUVANANTHAPURAM-695001.
4. THE DISTRICT TRANSPORT OFFICER
KSRTC, PALA-686575.
5. THE ENQUIRY OFFICER
(APPOINTMENT VIDE ORDER NO.VLC3/025975/07 AND FILE
NO.EO/005/2009 ERNAKULAM (S))ERNAKULAM SECTOR
KSRTC DEPORT, ERNAKULAM-682011.

BY SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 27-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN &
ANU SIVARAMAN, JJ.

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W.A.No.2577 of 2015

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Dated this the 27th day of November, 2015

JUDGMENT

Thottathil B.Radhakrishnan, J.

1. This writ appeal is by the writ petitioner who lost his challenge to disciplinary proceedings imposing barring of two increments with cumulative effect. The appellant was working as Assistant Stores Keeper under KSRTC. He was placed under suspension. The disciplinary proceedings on the basis of charge sheet culminated in the disciplinary authority imposing the penalty of barring two increments with cumulative effect. The findings of the disciplinary authority were three fold. The first charge found by the disciplinary authority was that though there were other automobile spare parts shops which were approved and authorised by KSRTC, purchases were made from a shop which was not authorised or approved. The second charge was that the appellant had obtained official records such as requisition forms for local

purchases and had retained it in his personal custody. He admitted that charge. The third charge was that 24 brass brushes of mini buses which were shown as missing were traced out on store verification on the following day. We would recall that the appellant was employed in the Stores Department of the KSRTC. Having regard to the quality of duties and responsibilities and the nature of the findings, we do not find any legal infirmity in the learned single Judge having refused to interfere with the penalty order or the appellate decision of the Managing Director, KSRTC, affirming the penalty order.

2. At one point of time, we wondered as to why the appellant did not move the Tribunal stated to have been constituted under the regulations of KSRTC. We are told that there was no officer to man that Tribunal; but that makes no difference, since the learned single Judge has adverted to the facts and has affirmed the penalty order and the order of the appellate authority. We have also taken stock of the facts and we do not find our way to interfere with the impugned judgment or the

decisions of KSRTC as impugned in the writ petition.

3.We also note that the order of the appellate authority was issued on 30.05.2011 and the writ petition was filed only on 31.10.2013, though the appellant had tried to explain it on medical grounds attributed to the background as shown through medical records. The writ appeal, therefore, fails.

In the result, this writ appeal is dismissed.

sd/-

Thottathil B.Radhakrishnan, Judge

sd/-

Anu Sivaraman, Judge

sj28/11

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P.A.TO JUDGE