

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 19361

WP(C).No. 206 of 2015 (A)

PETITIONER(S) :

M.MANOJ AGED 45 YEARS
S/O.LATE MAHADEVAN PILLAI, R/O HARIMANDIRAM
KANDALLOOR NORTH, POTTOLI MARKET P.O
KAYAMKULAM 690 531 (L.D CLERK
THALAYOLAPARAMBU DEVASWOM BOARD COLLEGE)

BY ADVS.SMT.A.G.ANEETHA
SMT.KABANI DINESH

RESPONDENT(S) :

1. THE SECRETARY, TRAVANCORE DEVASWOM BOARD
THIRUVANANTHAPURAM 695 001

2. THE MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY ITS REGISTRAR
PRIAYADARSHINI HILLS P.O, KOTTAYA 686 560

3. ADV.NEELIMA V NAIR
DOMESTIC ENQUIRY OFFICER, TRAVANCORE DEVASWOM BOARD
THIRUVANANTHAPURAM 695 001

4. THE PRINCIPAL,DEVASWOM BOARD
COLLEGE,THALAYOLAPARAMBU,KOTTAYAM 686 605

R BY SRI.VARUGHESE M.EASO, SC, M.G.UNIVERSITY
R BY SRI.M.V.S.NAMBOOTHIRI, SC, TRAVANCORE DEVASWOM BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT.P1 : COPY OF CHARGE MEMO DT 24/09/2012 ISSUED BY 1ST RESPONDENT

EXT.P1 (A) ENGLISH TRANSLATION OF EXT.P1

EXHIBIT P2 COPY OF REPLY DT 5/10/2012 GIVEN BY PETITIONER TO CHARGE MEMO

EXT.P2 (A) ENGLISH TRANSLATION OF EXT.P2

EXT.P3 COPY OF SHOW CAUSE NOTICE DT 23/12/2014 ENCLOSED ALLEGED ENQUIRY REPORT DT 19/7/2013

EXT.P3 (A) ENGLISH TRANSLATION OF ALLEGED ENQUIRY REPORT ACCOMPANYING EXT.P3 SHOW CAUSE NOTICE

EXT.P4 COPY OF REPRESENTATION DT 1-1-15 SENT IN RESPONSE TO EXT.P3

EXT.P4 (A) ENGLISH TRANSLATION OF EXT.P4

RESPONDENT(S) ' EXHIBITS:NIL

True Copy/

P A to Judge

A.MUHAMED MUSTAQUE, J.

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W.P(C).No.206 of 2015

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Dated this the 06th day of January, 2015

JUDGMENT

Petitioner is working as LD Clerk under the first respondent Travancore Devaswom Board. Petitioner was served with Ext.P3 show cause notice dated 23.12.2014 as prelude to the disciplinary proceedings. The petitioner gave a detailed objection. An advocate was appointed as a Domestic Enquiry Officer. Petitioner apprehends that based on enquiry and without giving an opportunity of hearing, petitioner will be terminated from the service. Petitioner further submits that Ext.P1 does not disclose any tenable charge against the petitioner warranting major penalty.

I am of the view, whether petitioner has committed any misconduct or any other act which warrants major or minor penalty has to be decided through the enquiry proceedings. Petitioner has already raised his objections before the Domestic Enquiry Officer. I am sure that Enquiry Officer will advert to the petitioner's objections. Therefore domestic enquiry proceedings shall be concluded after giving fullest opportunity to the petitioner to contest the matter. It is made clear that if any major penalty is proposed to be imposed on the petitioner, that shall be imposed only after giving show cause notice to the petitioner.

The Writ Petition is disposed of.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.