

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

WP(C).No. 5036 of 2012 (D)

PETITIONER :

**K.S.SREELATHA,
REGIONAL MANAGER (HIGHER GRADE)
THE KERALA STATE DEVELOPMENT CORPORATION
FOR SCHEDULED CASTES AND SCHEDULED TRIBES LTD
REGIONAL OFFICE, THRISSUR.**

**BY SENIOR ADVOCATE SRI. K.R.B. KAIMAL
BY ADVS.SRI.B.UNNIKRISHNA KAIMAL
SRI.V.MADHUSUDHANAN**

RESPONDENT(S) :

- 1. THE KERALA STATE DEVELOPMENT CORPORATION
FOR SCHEDULED CASTES AND SCHEDULED TRIBES LTD.,
REPRESENTED BY ITS MANAGING DIRECTOR
REGISTERED OFFICE, TOWN HALL ROAD,
THRISSUR-680 020.**
- 2. THE MANAGING DIRECTOR,
THE KERALA STATE DEVELOPMENT CORPORATION FOR SCHEDULED
CASTES AND SCHEDULED TRIBES LTD
REGISTERED OFFICE, TOWN HALL ROAD,
THRISSUR-680 020.**

**R1 & R2 BY ADVS. SRI.M.K.CHANDRAMOHAN DAS, SC
SRI.C.K.JAYAKUMAR, SC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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APPENDIX

- EXHIBIT P1: ORDER NO.158/A2/86 DATED 10-3-2010 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P2: TRUE COPY OF THE MEMO OF CHARGE NO.MD/1599/CONFIDENTIAL/2010 DATED 9-2-2010 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
- EXHIBIT P3: TRUE COPY OF THE EXPLANATION DATED 24-2-2010 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.
- EXHIBIT P4: TRUE COPY OF THE ORDER NO.MD/1599/CONFIDENTIAL/2010 DATED 15-3-2010 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P5: TRUE COPY OF THE ORDER NO.5257/A2/98 DATED 13-9-2010 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P6: TRUE COPY OF THE ORDER NO. MD/1599/CONFIDENTIAL/2010 DATED 20-11-2010 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P7: TRUE COPY OF THE INQUIRY REPORT DATED 9-9-2010.
- EXHIBIT P8: TRUE COPY OF THE REPLY DATED 8-12-2010 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.
- EXHIBIT P9: TRUE COPY OF THE ORDER NO.MD/1599/CONFIDENTIAL/2010 DATED 16-2-2011 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P10: TRUE COPY OF THE APPEAL DATED 9-3-2011 FILED BY THE PETITIONER BEFORE THE BOARD OF DIRECTORS OF THE 1ST RESPONDENT.
- EXHIBIT P11: TRUE COPY OF THE ORDER NO.MD/1599/CONFIDENTIAL/2010 DATED 21-11-2011 ISSUED BY THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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A.M. SHAFFIQUE, J.
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Dated this the 16th day of January, 2015

JUDGMENT

Petitioner challenges Ext.P11 by which, the respondents have confirmed the punishment imposed on the petitioner.

2. The facts narrated in the writ petition would disclose that the petitioner, while working as Regional Manager (Higher Grade) in Thrissur regional office of the 1st respondent Corporation, was served with a charge memo dated 09.02.2010 alleging certain misconducts. Three specific misconducts had been detailed. Petitioner had submitted her explanation and thereafter on the basis of directions issued by the respondents, an enquiry was conducted. The enquiry officer also found that the charges are proved. Accordingly punishment was imposed on the petitioner by barring three increments without cumulative effect. Petitioner preferred an appeal

which was confirmed by Ext.P11 order.

3. It is inter alia contended that the appellate authority did not consider the matter on merits. The enquiry officer though found that the charges were proved, has clearly observed that the deficiency pointed out were minor in nature and does not constitute any misconduct as such. That apart, the appellate authority did not consider any of the contentions urged in the memorandum of appeal and a cryptic order has been passed, which is liable to be set aside.

4. Counter affidavit has been filed by the respondents 1 and 2 inter alia supporting the stand taken by the them.

5. Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents as well.

6. Three charges were levelled against the petitioner and perusal of the charges do indicate that the

same relates to the manner in which she was working in the department. The 1st charge related to the delay in submitting certain files and the lack of proper explanation for the same. The 2nd charge is with regard to the failure to provide proper reply by concealing material facts and the 3rd charge related to taking photostat copies of various records kept in the office for personal purpose from the photo copy machine kept in the office as well as from outside agencies.

7. Insofar as the charges are concerned, the respondents have conducted appropriate enquiry in the matter.

8. Learned counsel for the petitioner has a case that a junior officer was delegated to conduct the enquiry. In fact, when the enquiry officer was appointed and enquiry has proceeded no such objection was raised by the petitioner. Hence the said ground is not available to set aside the findings in the enquiry.

9. No contention is raised regarding violation of principles of natural justice during enquiry nor there is any contention regarding violation of any statutory provision.

10. The main contention urged is that the appellate authority has not considered the matter on merit. The charges levelled were very minor in nature and should not have been taken so seriously. Once the charges are proved it is well within the jurisdiction of the Disciplinary Authority to impose punishment.

11. This Court can interfere with such punishment only if the punishment is shockingly disproportionate to the proved charges. Insofar as the punishment issued is only barring of three increments without cumulative effect, it cannot be said that the same is shockingly disproportionate.

12. The appellate authority has referred to the finding in the enquiry report as well as the punishment

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imposed on the petitioner and had come to the conclusion that the punishment imposed was minor in nature. In Ext.P11 it is clearly indicated that all connected records have been verified by the appellate authority. There is no reason to assure that the relevant grounds raised by the petitioner has not been considered. Though it is not an ealborate order, still the statement made in Ext.P11 indicates that the matter was considered in detail by the appellate authority.

In the said circumstances, I do not find any reason to interfere with Ext.P11. Accordingly, this writ petition is dismissed.

Sd/-
A.M. SHAFFIQUE
JUDGE

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