

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

WP(C).No. 5919 of 2010 (R)

PETITIONER(S) :

**K.NARAYANAN, BENCH CLERK,
ADDITIONAL DISTRICT & SESSIONS (ADHOC)-II,
KASARAGOD, .**

**BY ADVS.SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI
SRI.BRIJESH MOHAN
SMT.DHANYA CHANDRAN
SRI.A.HAROON RASHEED**

RESPONDENT(S) :

- 1. STATE OF KERALA, REPRESENTED BY
THE ADDITIONAL CHIEF SECRETARY TO GOVERNMENT
AND SECRETARY TO GOVERNMENT, HOME DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE HIGH COURT OF KERALA, ERNAKULAM
REPRESENTED BY THE REGISTRAR(SUBORDINATE, JUDICIARY).**
- 3. THE DISTRICT JUDGE,
KASARAGOD.**

**R1 BY GOVERNMENT PLEADER SRI.P.P.PADMALAYAN
R2 & R3 BY ADV. SRI.ELVIN PETER P.J.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: COPY OF THE PROCEEDINGS DATED 27.11.2001 OF
THE 3RD RESPONDENT.**

**EXHIBIT P2: COPY OF THE LETTER DATED 06.08.2008 GIVEN BY
THE 3RD RESPONDENT TO THE 2ND RESPONDENT.**

**EXHIBIT P3: COPY OF THE LETTER DATED 19/27.08.2008 GIVEN BY
THE 2ND RESPONDENT TO THE 1ST RESPONDENT.**

**EXHIBIT P4: COPY OF THE LETTER DATED 24.03.2009 GIVEN BY
THE 1ST RESPONDENT TO THE 2ND RESPONDENT.**

**EXHIBIT P5: COPY OF THE PROCEEDINGS DATED 05.05.2009 OF
THE 3RD RESPONDENT.**

**EXHIBIT P6: COPY OF THE REVIEW PETITION DATED 20.05.2009 FILED BY
THE PETITIONER BEFORE THE 1ST RESPONDENT.**

**EXHIBIT P7: COPY OF THE ORDER DATED 16.10.2009 OF
THE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

PA.TO JUDGE.

Msd.

A.M. SHAFFIQUE, J.

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W.P. (C) No. 5919 of 2010

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Dated this, the 13th day of November, 2015

J U D G M E N T

Petitioner had approached this Court challenging Exts.P4, P5 and P7 to the extent higher grade granted in his favour has later been corrected and modified. Though the petitioner had taken up the matter by filing review as Ext.P6, without hearing him, the order passed at Ext.P5 has been confirmed.

2. Since the petitioner had ventilated a case in terms of Ext.P6, it was incumbent on the part of the Government to have heard the petitioner before passing Ext.P7.

In the result, this writ petition is disposed of setting aside Ext.P7 and there will be a direction to the 1st respondent to hear the petitioner in the review petition and thereafter pass appropriate orders within a period of three months from the date of receipt of a copy of this judgment. Until such orders are passed, recovery in terms of Ext.P4 shall be kept in abeyance.

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

13/11/2015

//True Copy//

PS to Judge