

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

WP(C).No. 13424 of 2005 (W)

PETITIONER(S):

V.S. SURESHKUMAR, ASSISTANT DEVASWOM
COMMISSIONER, TRAVANCORE DEVASWOM BOARD
CHERTHALA DEVASWOM, AMBALAPUZHA GROUP
RESIDING AT AMRITHA SAGARAM, SREE VARAHAM
THIRUVANANTHAPURAM-9.

BY ADV. SRI.K.RAMAKUMAR (SR.)

RESPONDENT(S):

1. THE TRAVANCORE DEVASWOM BOARD,
THIRUVANANTHAPURAM, REPRESENTED BY ITS, SECRETARY.
2. SRI. B. CHANDRASEKHARAN NAIR,
DEPUTY DEVASWOM COMMISSIONER FOR INSPECTION
O/O. THE DEVASWOM COMMISSIONER, THIRUVANANTHAPURAM.
3. SRI. P.K. MOHANKUMAR, PERSONAL
ASSISTANT TO THE HON'BLE MEMBER, SRI.M.B. SREEKUMAR
TRAVANCORE DEVASWOM BOARD, OFFICER, TRIVANDRUM.
4. MS.A.R. ANITHA, ASSISTANT DEVASWOM
COMMISSIONER, ETTUMANOOR.

R1 BY ADV. SRI.P.VIJAYARAGHAVAN, SC, TDB
R BY SRI.ANCHAL C.VIJAYAN SC TDB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
01-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VS

WP(C).No. 13424 of 2005 (W)

APPENDIX

PETITIONER(S)' EXHIBITS :

EXT.P1 TRUE COPY OF THE JUDGMENT DATED 25.11.2004 IN WPC NO.2284/2004

EXT.P2 TRUE COPY OF THE ORDER DATED 31.3.2005 ISSUED BY R1.

RESPONDENT(S)' EXHIBITS :

**EXT.R1-A A TRUE COPY OF THE PROCEEDINGS OF THE TRAVANCORE DEVASWOM
BOARD DATED 18.12.2003**

/TRUE COPY/

PA TO JUDGE

VS

K.VINOD CHANDRAN, J.

W.P.(C).No.13424 of 2005

Dated this the 1st day of December, 2015

JUDGMENT

The petitioner, an Assistant Commissioner in the Devaswom seeks for revision of seniority in the higher grade.

2. The background facts which led to the above writ petition was that the petitioner was proceeded for misconduct, in which the disciplinary authority had ordered dismissal from service. The Board proposed punishment of dismissal, but however considering the objection of the employee, as also the gravity of the punishment, directed reduction of the petitioner to the rank of Junior Superintendent and placed him, as the junior most Junior Superintendent in that category. The reversion was also permanent as per Ext.R1(a) order.

3. The petitioner challenged the said order before this Court, which proceeding concluded in Ext.P1 judgment of the Division Bench. The Division Bench found

that going by the note to Rule 11(5)(v) of the Kerala Civil Service (Classification, Control and Appeal) Rules, period of reduction, if not specified, shall be only for a period of 6 months. The Division Bench also found that on reduction, the punished employee, cannot be placed as the junior most in the rested cadre but has to be placed as the senior most in that cadre. This is in consonance with Rule 11(1)(a)(4) which is extracted herein.

“The previous service in the higher grade or time-scale of a Government servant who has been reduced to a lower post or lower time-scale shall on repromotion to the higher grade or higher time-scale count for increments, only subject to the provisions of Rule 36 of the [Kerala Service Rules, Part I] Regulation 98 of the Travancore Service Regulation, Regulation 45 of the Cochin Service Regulations or Rule, 29 of the Fundamental Rules, Madras, as the case may be.”

4. The present contention of the petitioner is that on his being promoted to the next cadre, his seniority should be fixed reckoning his prior service in that cadre. However, the above extract 4 would indicate otherwise. The petitioner could be promoted and posted only at the bottom of the

higher grade.

In the above circumstances, the writ petition is found to be devoid of merit and the same is dismissed.

Sd/-
K.VINOD CHANDRAN
JUDGE

VS