

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

WP(C).No.6227 of 2015 (C)

PETITIONER:

**HAVILDAR SUDHAKARAN T.V,
NO.10290110 'P' OF DEFENCE SECURITY CORPS,
31 DSC PLATOON,INS VENDURUTHY,NAVAL BASE,
KOCHI - 682 004.
PERMANENT RESIDENT OF
THAIVALAPPIL,CHEMMAKKARA,KOTTAPURAM PO,
(VIA) NEELESWARAM,HOSDURG,KASARGOD DISTRICT,
KERALA - 671 341.**

BY ADV.SRI.V.K.SATHYANATHAN

RESPONDENTS:

- 1. THE CHIEF OF THE ARMY STAFF,
COAS'S SECRETARIAT,
INTEGRATED HQ OF MOD (ARMY),D.H.Q. P.O.,
NEW DELHI - 110 011.**
- 2. THE DEPUTY DIRECTOR GENERAL DEFENCE SECURITY CORPS,
GENERAL STAFF BRANCH,
INTEGRATED HEAD QUARTERS,
MINISTRY OF DEFENCE (ARMY),
WEST BLOCK III,R.K.PURAM,NEW DELHI - 110 066.**
- 3. THE DIRECTOR,HQ SOUTHERN COMMAND (DSC).**
- 4. THE GENERAL OFFICER COMMANDING,
HQ K & K SUB AREA,PIN-900 493,C/O.56 A.P.O.**
- 5. THE OIC RECORDS,DSC RECORDS,PIN- 901277,C/O 56 A.P.O.**
- 6. THE COMMANDING OFFICER,
31 DSC PLATOON ATT TO INS VENDURUTHY,
NAVAL BASE,KOCHI - 682 004.**
- 7. THE COMMANDING OFFICER,
929 DSC PLATOON ATT TO RESEARCH
CENTRE IMARAT VIGNYANA KANCHI.P.O.
HYDERABAD - 500 069.**

BY SRI.N.NAGARESH,ASSISTANT SOLICITOR GENERAL OF INDIA

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

**EXT.P1:TRUE COPY OF THE PARADE STATE OF DSC DETT OF RCI HYDERABAD
FOR THE DAY 16-6-2012.**

**EXT.P2:TRUE COPY OF THE RECORD OF PROCEEDINGS BEFORE THE
COMMANDING OFFICER ON 21.6.2012 AND FORM OF SUMMARY TRIAL.**

**EXT.P3:TRUE COPY OF THE RECORD OF PROCEEDINGS BEFORE THE
COMMANDING OFFICER ON 23.11.2012 AND FORM OF SUMMARY TRIAL.**

EXT.P4:TRUE COPY OF THE PART II O RDER DATED 12.8.2013.

**EXT.P4(a):TYPED COPY OF RELEVANT PORTION OF EXTHIBIT P-4 AFFECTING
THE PETITIONER.**

**EXT.P5:TRUE COPY OF THE R.O.G. DATED 5.5.2014 ALONG WITH THE COVERING
LETTER.**

EXT.P6:TRUE COPY OF THE LETTER NO.286/68/P1-31/DISC DATED 9-5-2014.

EXT.P7:TRUE COPY OF THE LETTER NO.286/68/P1-31/DISCP DATED 24.7.2014.

**EXT.P8:TRUE COPY OF THE LETTER NO.DOC - 2/P1-31/1029010P/SR
DATED 24-7-2014.**

**EXT.P9:TRUE COPY OF THE COVERING LETTER NO.286/68/P1-31/DISCP
DATED 28-8-2014 ALONG WITH R.O.G.**

EXT.P10:TRUE COPY OF THE LETTER NO.3005/SC/DV DATED 10/10/2014.

**EXT.P11:TRUE COPY OF THE LETTER NO.DOC -2/P1-31/10290110/SR
DATED 13/11/2014.**

**EXT.P12:TRUE COPY OF THE LETTER NO.286/68/P1-31/DISCP DATED 28/11/2014
ALONG WITH ROG.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No.6227/2015

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Dated this the 13th Day of March, 2015

J U D G M E N T

The petitioner is a combatant Havildar of Defence Security Corps. There are two "red ink" entry punishments imposed on the petitioner. He raised Ext.P12 statutory complaint against imposition of those punishments before the seventh respondent. The engagement of the petitioner is to expire on 31/03/2015. Petitioner submits that otherwise for the two red ink entry punishments, he is eligible for further extension of service from 31/03/2015.

2. Considering the facts and circumstances, there shall be a direction to the seventh respondent to consider Ext.P12 within a period of one month from the date of receipt of a copy of this judgment. Till a final decision is taken in the matter, the petitioner shall be permitted to continue. If a decision is taken against the petitioner by the seventh respondent, the same shall be communicated to the petitioner without

W.P.(C).No.6227/2015

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any delay and the petitioner shall be permitted to continue for a further period of two more weeks after communication of the order for enabling him to work out his remedy.

The writ petition is disposed of as above. No costs.

Sd/-

(A.MUHAMED MUSTAQUE, JUDGE)

ms

The words "seventh respondent" occurring in paragraphs 1 and 2 of the judgment dated 13/03/2015 in W.P.(C).No.6227/2015 are corrected and substituted as "first respondent", vide order dated 09/04/2015 in I.A 4942/2015.

Sd/- Vacation Officer