

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

WP(C).No. 6405 of 2015 (A)

PETITIONER :

**C.K.CHANDRABOSE,
PROGRAMME OFFICER (UNDER SUSPENSION)
ANERT HQ, THIRUVANANTHAPURAM.**

BY ADV. SRI.K.G.PAVITHRAN

RESPONDENTS :

- 1. AGENCY FOR NON-CONVENTIONAL ENERGY &
RURAL TECHNOLOGY (ANERT)
REPRESENTED BY ITS DIRECTOR,
ANERT OFFICE, VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM, PIN-695001.**
- 2. STATE OF KERALA
REPRESENTED BY ITS SECRETARY (POWER)
DEPARTMENT OF POWER, GOVERNMENT SECRETARIATE,
THIRUVANANTHAPURAM-695001**
- 3. THE EXECUTIVE COMMITTEE OF ANERT
REPRESENTED BY ITS MEMBER SECRETARY (DIRECTOR ANERT)
ANERT OFFICE, THIRUVANANTHAPURAM-695033.**

R1 & R3 BY ADV. SRI.V.G.ARUN, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

WP(C).No. 6405 of 2015 (A)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1:- TRUE COPY OF THE ORDER NO. AO. NO 104/HRM/2014 ANERT DTD. 24/6/2014.**
- EXT. P2:- A TRUE COPY OF THE GOVERNMENT ORDER GO (RT) NO. 154/2014/PD DTD. 23/6/2014.**
- EXT. P3:- TRUE COPY OF THE APPEAL/REPRESENTATION DTD. 3/7/2014 SUBMITTED BY THE PETITIONER.**
- EXT. P4:- TRUE COPY OF THE REMINDER DTD. 4/10/2014 SUBMITTED BY THE PETITIONER.**
- EXT. P5:- TRUE COPY OF THE REMINDER SUBMITTED BY THE PETITIONER TO THE SECRETARY POWER DEPT, ANERT, DTD. 12/2/2015.**

RESPONDENT(S)' ANNEXURES :

- ANNEXURE R1(a) COPY OF THE ORDER A.O.NO.80/H.R.M./ANERT/2014 DATED 22-5-2014 ISSUED BY THE DIRECTOR, ANERT.**
- ANNEXURE R1(b) COPY OF THE ORDER A.O.NO.172/H.R.M./ANERT/2014 DATED 3-12-2014 ISSUED BY THE GENERAL MANAGER, ANERT.**
- ANNEXURE R1(c) COPY OF THE COVERING LETTER DATED 23-12-2014 OF THE DIRECTOR, ANERT.**

//TRUE COPY//

P.A. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.6405 of 2015

Dated this the 24th day of March, 2015

JUDGMENT

The petitioner while working as Programme Officer under the first respondent-Agency for Non-conventional Energy and Rural Technology (ANERT) was suspended from the service with effect from 23.6.2014. It is challenging the suspension order, the petitioner has approached this Court.

2. In this matter, a statement has been filed on behalf of respondents. It is stated in the statement that the Special Officer appointed by the Government found out certain irregularities committed by the petitioner and few others while working as a Programme Officer of ANERT and it was decided by the Government to initiate disciplinary proceedings against the petitioner and others. It is further submitted that it is at the behest of the Government, the petitioner has been placed under suspension.

3. It appears that the irregularities against the petitioner is in relation to awarding contract. However, it is to be noted that no memorandum of charges have been served on the petitioner though the Government has appointed an Enquiry Officer.

4. The Hon'ble Supreme Court in **Ajay Kumar Choudhary v. Union of India and another [2015] (1) ILR 767]** held that the suspension order should not extend beyond three months, if memorandum of charges has not been served on the delinquent. If memorandum of charges has been served, reasoned order must be passed for extending the period of suspension beyond three months.

5. I am of the view, considering the nature of the allegations made against the petitioner and the petitioner's suspension is continuing beyond three months, the petitioner should be reinstated forthwith. In view of the fact that the

memorandum of charges has not been served on the petitioner, the petitioner shall be reinstated forthwith. This will be subject to outcome of the disciplinary proceedings. It is also made clear that the ANERT is at liberty to post the petitioner to any other place of their choice.

The petitioner is also at liberty to question any proceedings of the ANERT including initiation of the disciplinary proceedings in accordance with law.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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