

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

WP(C).No. 7285 of 2015 (I)

PETITIONER(S):

THOMAS ABRAHAM, AGED 57 YEARS
MARKETING OFFICER
ERNAKULAM REGIONAL CO-OPERATIVE MILK PRODUCERES UNION LIMITED
TRIPUNITHURA DAIRY, THRIPIUNITHURA P.O., ERNAKULAM.

BY ADV. SRI.P.N.MOHANAN

RESPONDENT(S):

1. ERNAKULAM REGIONAL CO-OPERATIVE MILK PRODUCERS UNION LTD.
REPRESENTED BY ITS MANAGING DIRECTOR, EDAPALLY P.O.
ERNAKULAM - 682 024.
2. ERNAKULAM REGIONAL CO-OPERATIVE
MILK PRODUCERS UNION LIMITED
REPRESENTED BY ITS CHAIRMAN, EDAPALLY P.O.
ERNAKULAM - 682 024.

R. BY ADV. SRI.K.ANAND (SR.)
R. BY ADV. SMT.LATHA KRISHNAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1-TRUE COPY OF THE FEEDER CATEGORY SUB RULES APPROVED BY THE REGISTRAR.

EXHIBIT-P2-TRUE COPY OF THE MEMO OF CHARGE DATED 11/10/2002.

EXHIBIT-P3-TRUE COPY OF THE MEMO OF CHARGES DATED 14/03/2003.

EXHIBIT-P4-TRUE COPY OF THE ORDER DATED 06/08/2004 OF THE IST RESPONDENT.

EXHIBIT-P5-TRUE COPY OF THE ORDER DATED 20/04/2012 OF THE IST RESPONDENT.

EXHIBIT-P6-TRUE COPY OF THE ORDER DATED 26/04/2012 OF THE IST RESPONDENT.

EXHIBIT-P7-TRUE COPY OF THE ORDER DATED 30/12/2008 OF PROMOTION GIVEN TO THE JUNIORS OF PETITIONER.

EXHIBIT-P8-TRUE COPY OF THE PETITION DATED 31/02/2014 FILED BY THE PETITIONER.

EXHIBIT-P9-TRUE COPY OF THE ORDER DATED 03/01/2013 OF THE IST RESPONDENT.

EXHIBIT-P10-TRUE COPY OF THE POSTS SANCTION ORDER DATED 02/08/2014 ISSUED BY THE GOVERNMENT.

EXHIBIT-P11-TRUE COPY OF THE JUDGMENT DATED 28/10/2014 IN O.P(C) 4629/2013.

EXHIBIT-P12-TRUE COPY OF THE AWARD DATED 18/12/2014 IN A.R.C 19/2009

EXHIBIT-P13-TRUE COPY OF THE PETITION DATED 27/02/2015 FILED BY THE PETITIONER BEFORE THE MANAGEMENT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.7285 of 2015

Dated this the 9th day of March, 2015

J U D G M E N T

The petitioner contends that Exts.P5 and P6 charge memos served on him have since been withdrawn and the disciplinary proceedings closed. The contention therefore of the petitioner is that he is liable to be promoted with effect from 30.12.2008 when his juniors were so promoted. The petitioner has in this regard submitted exts.P8 and P13 representations pending with the first respondent.

2. I direct the first respondent to consider Ext.P13 representation with notice to the petitioner as well as the second respondent. The needful shall be done within a period of one month from the date of receipt of a copy of this judgment. Needless to say that the decision in Union of India v. K.V.Janakiraman [AIR 1991 SC 2010] shall also be adverted to in the exercise.

The Writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.