

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

WP(C).No. 10251 of 2014 (F)

PETITIONER:

**SMT. S.N. SOBHA, W/O.SADASIVA SHENOY,
AGED 55 YEARS, L.D.CLERK (UNDER SUSPENSION),
DR.PADIAR MEMORIAL HOMEOPATHIC MEDICAL COLLEGE,
CHOTTANIKKARA, ERNAKULAM,
RESIDING AT SHIVAPARAMBIL KALARIKKAL HOUSE,
KARANAKODAM, THAMANAM P.O., KOCHI - 682 032.**

BY ADV. SRI.BENNY GERVACIS

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
HEALTH & FAMILY WELFARE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. THE PRINCIPAL & CONTROLLING OFFICER,
GOVERNMENT HOMEOPATHIC MEDICAL COLLEGE,
IRANIMUTTUM MANAKKAD POST,
THIRUVANANTHAPURAM - 695 009.**
- 3. DR.PADIAR MEMORIAL HOMEOPATHIC MEDICAL COLLEGE,
CHOTTANIKKARA, REPRESENTED BY ITS SECRETARY,
CHOTTANIKKARA, ERNAKULAM - 682 312.**
- 4. MR.R.GOPINATHA NAICK, SECRETARY,
DR.PADIAR MEMORIAL HOMEOPATHIC MEDICAL COLLEGE,
CHOTTANIKKARA, REPRESENTED BY ITS SECRETARY,
CHOTTANIKKARA, ERNAKULAM - 682 312.**

**R1 & R2 BY GOVERNMENT PLEADER SMT.LOWSYA
R3 & R4 BY ADV. SMT.R.RANJINI**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1: TRUE COPY OF THE GOVERNMENT ORDER NO.G.O.(MS)
NO.99/2013/H&FWD, DATED 22.03.2013.
- EXHIBIT P2: PHOTOCOPY FO THE INTERIM ORDER ISSUED BY THIS HON'BLE
COURT IN W.P.(C)NO.27461/2012.
- EXHIBIT P3: RELEVANT EXTRACT OF THE JUDGMENT IN O.S.NO.983 OF 2005.
- EXHIBIT P4: TRUE COPY OF THE SHOW CAUSE NOTICE DATED 27.08.2013.
- EXHIBIT P5: TRUE COPY OF THE REPLY DATED 29.08.2013 FILED BY THE
PETITIONER.
- EXHIBIT P6: TRUE COPY OF THE SHOW CAUSE NOTICE DATED 02.09.2013.
- EXHIBIT P7: TRUE COPY OF THE REPLY DATED 06.09.2013.
- EXHIBIT P8: TRUE COPY OF THE SHOW CAUSE NOTICE DATED 13.09.2013.
- EXHIBIT P9: TRUE COPY OF THE SHOW CAUSE NOTICE DATED 23.09.2013.
- EXHIBIT P10: TRUE COPY OF THE SHOW CAUSE NOTICE DATED 11.10.2013.
- EXHIBIT P11: TRUE COPY OF THE SUSPENSION ORDER DATED 22.10.2013.
- EXHIBIT P12: TRUE COPY OF THE MEMO OF CHARGES ISSUED TO THE
PETITIONER BY THE 4TH RESPONDENT DATED 01.01.2014.
- EXHIBIT P13: TRUE COPY OF THE WRITTEN STATEMENT OF DEFENCE DATED
18TH JANUARY, 2014.
- EXHIBIT P14: HEARING NOTE SUBMITTED BY THE PETITIONER DATED 25.02.2014.
- EXHIBIT P15: TRUE COPY OF THE NOTICE DATED 19.03.2014.
- EXHIBIT P16: TRUE COPY OF THE NOTICE DATED 19.03.2014.
- EXHIBIT P17: TRUE COPY OF THE NOTICE DATED 20.03.2014.
- EXHIBIT P18 : TRUE COPY OF THE ARGUMENT NOTES FILED BY THE PETITIONER
BEFORE THE ENQUIRY OFFICER.
- EXHIBIT P19 : A TRUE COPY OF THE ENQUIRY REPORT.
- EXHIBIT P20 : A TRUE COPY OF THE COMMUNICATION DATED 15.7.2014.

RESPONDENT(S)' EXHIBITS:

- NIL

/TRUE COPY/

P.S. O JUDGE

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.10251 of 2014

Dated this the 19th day of January, 2015

JUDGMENT

The petitioner is the employee of the third respondent College. The petitioner approached this Court challenging suspension and disciplinary proceedings initiated against the petitioner. It is admitted that pending writ petition, enquiry proceedings have been concluded and the petitioner has been served with show cause notice against the proposed punishment. The proposed punishment is as follows:

“Reduction in the time scale by four stages for a period of one year having effect of postponing the future increments.”

2. The petitioner filed I.A.No.16890/2014 for seeking direction to reinstate him. The 3rd and 4th respondents filed I.A.No.15805/2014 to permit them to implement the

punishment awarded, on finalizing the disciplinary proceedings against the petitioner.

3. Admittedly, the petitioner is now out of service on account of the suspension order. In view of the fact that the proposed punishment is only reduction in time scale by four stages, I am of the view, the petitioner shall be reinstated in the service within a period of one week from the date of receipt of a copy of this judgment subject to petitioner's right to challenge the proceedings and imposition of penalty. It is made clear that it is also open for the management to impose penalty proposed in accordance with law. All the issues in the writ petition are left open.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

ln