

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

WP(C).No. 11715 of 2015 (L)

PETITIONER:

**JOJU C.K., AGED 46 YEARS
L.D.CLERK, T.M.V.K.S.SCHOOL, PERUMBILAVU P.O.
[VIA] KUNNAMKULAM, THRISSUR DISTRICT-680 519.**

BY ADV. SRI.P.BHASKARAN

RESPONDENTS:

- 1. DIRECTOR OF PUBLIC INSTRUCTION
THIRUVANANTHAPURAM-695 001.**
- 2. THE DEPUTY DIRECTOR OF EDUCATION
THRISSUR, PIN-680 003.**
- 3. THE ASST.PROVIDENT FUND OFFICER
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION
THRISSUR-680 003.**
- 4. THE MANAGER
T.M.V.K.S.SCHOOL, PERUMBILAVU P.O., [VIA] KUNNAMKULAM
THRISSUR DISTRICT-680 519.**

**BY GOVERNMENT PLEADER SMT. A. LOWSY
BY SMT.T.N. GIRIJA, SC, EPF ORGANISATION**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 11715 of 2015 (L)

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT. P1 : COPY OF THE ORDER NO.2/2015 DATED 31-03-2015 ISSUED BY THE 4TH RESPONDENT.**
- EXT. P2 : COPY OF THE COMMUNICATION DATED 16-03-2015 ISSUED BY THE 1ST RESPONDENT.**
- EXT. P3 : COPY OF THE LETTER DATED 26-03-2015 ISSUED BY THE 3RD RESPONDENT.**
- EXT. P4 : COPY OF THE LETTER DATED 28-03-2015 ISSUED BY THE 4TH RESPONDENT.**
- EXT. P5 : COPY OF THE EXPLANATION SUBMITTED BY THE PETITIONER DATED 30.03.2015.**

RESPONDENTS' EXHIBITS:- NIL

//TRUE COPY//

P.A. TO JUDGE

sp

K. VINOD CHANDRAN, J.

W.P(C). No.11715 of 2015

Dated this the 8th day of October, 2015.

JUDGMENT

The petitioner was proceeded against, for not having remitted the contributions in the Provident Fund with respect to a Teacher, to a proper Account, though deducted from the salary. The Teacher was before this Court, seeking transfer of the amounts to her Provident Fund Account, which was said to be kept in abeyance, since an enquiry was ordered into the said incident.

2. This Court had, by judgment dated 22.09.2015 in WP(C) No.17097 of 2015, directed that the entire amounts deducted from the salary of the petitioner be transferred to the petitioner's Provident Fund Account, along with the interest due. It was also indicated that, two transactions of Rs.60,000/- and Rs.5,000/- were to the name of other individuals, while all other remittances were to fictitious Accounts. In any event, the amounts were retained with the State Exchequer itself.

3. The petitioner was proceeded against and was suspended by Ext.P1. The petitioner impugned the same before this Court and Ext.P1 order was kept in abeyance by an interim order dated 08.04.2015. It is seen that the Manager had also initiated proceedings, but however granting only one day's time to give the objection.

4. In view of the fact that the suspension order was already stayed, it is not proper that the same be revived. The proceedings definitely shall be continued against the petitioner. It is also submitted that, there is a Vigilance Enquiry with respect to the very same incident.

In such circumstance, if the Manager is of the opinion that the petitioner has to be suspended, then necessarily the same shall be done only with the approval of the educational authorities under the KER.

With the above reservation, the writ petition would stand disposed of setting aside the suspension order. No costs.

Sd/-
K. VINOD CHANDRAN,
JUDGE

//True Copy//

sp/09/10/15

P.A. to Judge.