

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 24TH DAY OF NOVEMBER 2015/3RD AGRAHAYANA, 1937

WP(C).No. 12366 of 2014 (U)

PETITIONER(S):

**MATHEW JOSEPH, AGED 55 YEARS
S/O JOSEPH, ADMINISTRATIVE ASSISTANT
KERALA STATE HOMEOPATHIC CO-OPERATIVE PHARMACY LIMITED
PATHIRAPALLY P.O
ALAPPUZHA 688521. (RESIDING AT CHALIL HOUSE
THATHAMPALLY P.O, ALAPPUZHA 688013**

**BY ADVS.SRI.ASOK M.CHERIAN
SRI.R.ROHITH
SRI.K.JANARDHANA SHENOY**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO HEALTH
AND FAMILY WELFARE DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695001**
- 2. THE KERALA STATE HOMEOPATHIC CO-OPERATIVE PHARMACY
LIMITED (NO T 432),
PATHIRAPALLY P.O, ALAPPUZHA 68852
REPRESENTED BY ITS MANAGING DIRECTOR**
- 3. THE MANAGING DIRECTOR,
THE KERALA STATE HOMEOPATHIC CO-OPERATIVE PHARMACY
LIMITED (NO T 432)
PATHIRAPALLY P.O, ALAPPUZHA 68852**

**R2-R3 BY ADV. SRI.C.A.CHACKO
R BY GOVERNMENT PLEADER SMT. M.J. RAJASREE**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 24-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1 A TRUE COPY OF THE MEMO DATED 06-08-2012 ISSUED BY
THE 3RD RESPONDENT

EXHIBIT P2 TRUE COPY OF THE HOUSE ENQUIRY REPORT DATED 22-11-
2012

EXHIBIT P3 TRUE COPY OF THE PROCEEDINGS OF THE 3RD
RESPONDENT DATED 29-11-2012

EXHIBIT P4 TRUE COPY OF THE COMMUNICATION DATED 14-03-2013
ISSUED BY THE 1ST RESPONDENT TO THE 3RD
RESPONDENT

EXHIBIT P5 TRUE COPY OF THE PROCEEDINGS DATED 02-04-2013 OF
THE 3RD RERSPONDENT

EXHIBIT P6 TRUE COPY OF THE MEMO OF CHARGES DATED 29-06-2013
ISSUED BY THE 3RD RESPONDENT

EXHIBIT P7 TRUE COPY OF THE EXPLANATION SUBMITTED BY THE
PETITIONER BEFORE THE 3RD RESPONDENT ON 15-07-2013

EXHIBIT P8 A TRUE COPY OF THE FINAL SHOW CAUSE NOTICE DATED
26-04-2014 ISSUED BY THE 2ND RESPONDENT TO THE
PETITIONER

EXHIBIT P9 A TRUE COPY OF THE REPRESENTATION SUBMITTED BY
THE PETITIONER BEFORE THE 3RD RESPONDENT, DATED
10-05-2014

RESPONDENT(S)' EXHIBITS

EXT.R3(A) COPY OF COMMUNICATION DTD. 19.7.12

EXT.R3(B) COPY OF LETTER DTD. 16.4.13, 30.5.13 AND 18.2.14

EXTR3(C) COPY OF REPORT OF DEPARTMENT ENQUIRY

EXT.R3(D) COPY OF COMMUNICATION DTD. 12.9.13.

EXT.R3(E) COPY OF LETTER DTD. 19.12.13 OF INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION BUREAU

EXT.R3(F) COPY OF COMMUNICATION DATED 12.10.15 WITH
COVERING LETTER DATED 24.3.15.

// TRUE COPY //

P.A TO JUDGE.

SB

K. VINOD CHANDRAN, J.

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W.P.(C) No.12366 of 2014 - U

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Dated this the 24th day of November, 2015

J U D G M E N T

Both the counsel agreed that there is an infirmity insofar as the show cause notice at Ext.P8 has been issued for imposition of penalty, without a disciplinary enquiry. In such circumstance, Ext.P8 is set aside, however leaving open the remedy of the respondent to proceed further from the stage before Ext.P8.

The writ petition is disposed of.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB/ 24/ 11/2015

// true copy //

P.A to Judge.