

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C).No. 12165 of 2015 (U)

PETITIONER(S) :

**DR.CHERIYAN J.VITHAYATHIL,
CASUALTY MEDICAL OFFICER, TALUK HOSPITAL,
KOTHAMANGALAM P.O, ERNAKULAM- 686 691.**

**BY ADVS.SRI.A.RAJASIMHAN
SRI.K.NIRMALAN**

RESPONDENT(S) :

**SECRETARY TO GOVERNMENT,
DEPARTMENT OF HEALTH SERVICES,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM- 695 001.**

BY SR.GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE PROMOTION ORDER DATED 16.05.2011.

EXHIBIT P2: TRUE COPY OF THE COMPLAINT DATED 21.05.2011.

**EXHIBIT P3: TRUE COPY OF THE FIR IN CRIME NO.789/2011 OF ANGAMALY
POLICE STATION.**

EXHIBIT P4: TRUE COPY OF THE ORDER DATED 04.06.2011.

EXHIBIT P5: TRUE COPY OF THE RESOLUTION DATED 24.06.2011.

EXHIBIT P6: TRUE COPY OF THE REPRESENTATION DATED 19.07.2011.

EXHIBIT P7: TRUE COPY OF THE COMPLAINT DATED 12.05.2011.

EXHIBIT P8: TRUE COPY OF THE MEMO DATED 25.08.2011.

EXHIBIT P9: TRUE COPY OF THE SHOWCAUSE DATED 12.09.2013.

**EXHIBIT P10: TRUE COPY OF THE ORDER IN CRL.M.P.NO.1913/2013 OF
THE SESSIONS COURT, ERNAKULAM DATED 30.07.2013.**

EXHIBIT P11: TRUE COPY OF THE ORDER DATED 02.01.2014.

EXHIBIT P12: TRUE COPY OF THE REPRESENTATION DATED 30.03.2015.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 12165 of 2015

Dated this the 10th day of April, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- "1. Issue a writ of mandamus or any other writ, order or direction, directing the respondent to consider and pass order in Ext.P12 representation after affording an opportunity of hearing to the petitioner.*
- 2. Issue such other order or directions which this Hon'ble Court deem fit and proper in the interest of justice."*

2. The learned counsel for the petitioner points out that, various proceedings were taken against the petitioner on the basis of a false implication in a criminal case at the instance of some persons who are behind the curtain. Finally the malicious proceedings ended in acquittal. It is stated that, the facts and figures were analyzed by the Departmental authorities/employer as well, who finally passed Ext.P11 order dated 02.01.2014, whereby the disciplinary action initiated against the petitioner was dropped. In the said circumstances, the petitioner has moved the respondent by filing Ext.P12 for conducting an enquiry and to take appropriate action against the persons who are

named therein and were instrumental in initiating the proceedings against the petitioner. Prayer is only to cause the same to be considered and disposed of within a reasonable time.

3. Heard the learned Government Pleader as well.

4. After hearing both the sides, the writ petition is disposed of, directing the respondent to consider and pass appropriate orders on Ext.P12, after affording an opportunity of hearing to all concerned, at the earliest, at any rate, within 'three months' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.