

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

WP(C).No. 13532 of 2015 (N)

PETITIONER :

G.SUKUMARI AMMA,
ASSISTANT MARKETING MANAGER,
KERALA STATE HANDLOOM DEVELOPMENT CORPORATION LTD.,
REGIONAL OFFICE, THIRUVANANTHAPURAM.

BY ADVS.SRI.K.SASIKUMAR
SRI.S.ARAVIND
SRI.R.ROHITH

RESPONDENTS:

1. KERALA STATE HANDLOOM DEVELOPMENT CORPORATION LTD.,
REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE,
KANNUR-670001.
2. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.
3. HAFSA BEEVI,
REGIONAL MANAGER IN CHARGE
KERALA STATE HANDLOOM DEVELOPMENT CORPORATION LTD ,
REGIONAL OFFICE, KANNUR.
4. M.K.SADANANDAN,
REGIONAL MANAGER IN CHARGE, REGIONAL OFFICE,
THIRUVANANTHAPURAM.

R1 BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR
R1 BY ADV. SRI.P.GOPINATH MENON
R1 BY ADV. SRI.BENNY P.THOMAS
R1 BY ADV. SRI.K.JOHN MATHAI
R1 BY ADV. SRI.JOSON MANAVALAN
R1 BY ADV. SRI.KURRYAN THOMAS
BY GOVERNMENT PLEADER SRI.P.V.ELIAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :-

- | | |
|---------|--|
| EXT.P1 | A TRUE COPY OF THE ORDER DATED 28-6-2009 PASSED BY THE 1ST RESPONDENT ALLOWING THE 2ND HIGHER GRADE PROMOTION TO THE PETITIONER. |
| EXT.P2 | A TRUE COPY OF THE LETTER DATED 13-5-2008 ISSUED BY THE IST RESPONDENT TO THE PETITIONER. |
| EXT.P3 | A TRUE COPY OF THE JUDGMENT DATED 30-11-2009 IN WP(C) 5049/2009. |
| EXT.P4 | A TRUE COPY OF THE ORDER DATED 24-2-2010 PASSED BY THE IST RESPONDENT. |
| EXT.P5 | A TRUE COPY OF THE ORDER DATED 24-2-2010 ISSUED BY THE IST RESPONDENT. |
| EXT.P6 | A TRUE COPY OF THE ORDER DATED 2-6-2012 ISSUED BY THE IST RESPONDENT. |
| EXT.P7 | A TRUE COPY OF THE ORDER DATED 31-10-2012 ISSUED BY THE IST RESPONDENT. |
| EXT.P8 | A TRUE COPY OF THE ORDER DATED 7-11-2012 PASSED BY THE IST RESPONDENT. |
| EXT.P9 | A TRUE COPY OF THE ORDER DATED 21-11-2012 IN WP(C) 26071/2012. |
| EXT.P10 | A TRUE COPY OF THE SENIORITY LIST OF SENIOR OFFICERS OF THE IST RESPONDENT CORPORATION AS ON NOVEMBER,2012. |
| EXT.P11 | A TRUE COPY OF THE ORDER DATED 26-11-2012 ISSUED BY THE IST RESPONDENT. |
| EXT.P12 | A TRUE COPY OF THE ORDER DATED 29-11-2012 PASSED BY THE IST RESPONDENT. |
| EXT.P13 | A TRUE COPY OF THE ORDER DATED 15-5-2013 ISSUED BY THE IST RESPONDENT. |
| EXT.P14 | A TRUE COPY OF THE ORDER DATED 9-10-2013 ISSUED BY THE IST RESPONDENT. |
| EXT.P15 | A TRUE COPY OF THE GO(MS)NO.143/2013/ID DATED 18-12-2013 ISSUED BY THE 3RD RESPONDENT. |

WP(C).No. 13532 of 2015 (N)

- EXT.P16 A TRUE COPY OF THE REPRESENTATION DATED 06-2014 SUBMITTED TO THE 2ND RESPONDENT.
- EXT.P17 A TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE DIRECTOR BOARD OF THE 1ST RESPONDENT.
- EXT.P18 A TRUE COPY OF THE ORDER DATED 17-10-2014 PASSED BY THE 1ST RESPONDENT.
- EXT.P19 A TRUE COPY OF THE SUBMISSION DATED 1-11-2014 FORWARDED BY THE PETITIONER TO THE 1ST RESPONDENT.
- EXT.P20 A TRUE COPY OF THE ORDER DATED 8-12-2014 ISSUED BY THE 1ST RESPONDENT.
- EXT.P21 A TRUE COPY OF THE MEMO DATED 22-12-2014 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.
- EXT.P22 A TRUE COPY OF THE EXPLANATION DATED 8-1-2015 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT IN REPLY TO EXT.P21 MEMO.
- EXT.P23 A TRUE COPY OF THE ORDER DATED 20-1-2015.
- EXT.P24 A TRUE COPY OF THE LETTER DATED 16-2-2015 FORWARDED BY THE 1ST RESPONDENT TO THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS :-

ANNEXURE R1(a) : COPY OF THE PETITION DTD.24.3.15 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT.

ANIL K.NARENDRA, J.

W.P.(C)No.13532 of 2015

Dated this the 17th day of August, 2015

JUDGMENT

The petitioner, who is working as Assistant Marketing Manager of the Kerala State Handloom Development Corporation Ltd., has filed this writ petition seeking a writ of certiorari to quash Exts.P20 and P23 orders issued by the 1st respondent and also Ext.P21 memo dated 22.12.2014 issued by the 1st respondent. The petitioner has also sought for a writ of mandamus commanding the 1st respondent to grant regular promotion to her to the cadre of Regional Manager and to post her to one of the vacancies now existing in the Corporation.

2. A statement has been filed on behalf of the 1st respondent pointing out that the petitioner is not entitled for any of the reliefs prayed for. To the aforesaid statement, the petitioner has also filed reply affidavit.

3. During the pendency of this writ petition, it was brought to the notice of this Court that, the petitioner has submitted a mercy

petition dated 24.3.2015 admitting the misconducts and irregularities mentioned in Ext.P21 memo and requesting the management to take a lenient view. The aforesaid mercy petition submitted by the petitioner is produced as Annexure-R1(a) along with the additional statement filed on behalf of the 1st respondent.

4. In view of Annexure-R1(a), the learned counsel for the petitioner would submit that this writ petition may be disposed of directing the 1st respondent to consider Ext.P22 explanation as well as Annexure-R1(a) mercy petition and take an appropriate decision within a time limit that may be fixed by this Court.

In such circumstances, without going into the merits of the rival contentions, this writ petition is disposed of directing the 1st respondent to consider and pass appropriate orders on Ext.P22 and Annexure-R1(a) mercy petition submitted by the petitioner, with notice to the petitioner, as expeditiously as possible, at any rate, within a period of three weeks from the date of receipt of a certified copy of this judgment.

ANIL K.NARENDRA, JUDGE

skj