

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

WP(C).No. 14131 of 2015 (N)

PETITIONERS

1. VIJAYAKUMAR AGED 55 YEARS
S/O.BALAKRISHNAN NAIR, ASWATHY VEEDU, THODAPARAMBU
PERUMBAVOOR, ERNAKULAM DISTRICT

2. T.N MURALEEDHARAN NAIR,
VARIKATTU HOUSE, G.K PILLAI LANE, PERUMBAVOOR
ERNAKULAM DISTRICT

BY ADV. SRI.SAJEEV KUMAR K.GOPAL

RESPONDENTS:

1. TRAVANCORE DEVASWOM BOARD
NANDANCODE, THIRUVANANTHAPURAM, PIN -695 003
REPRESENTED BY ITS SECRETARY

2. ASSISTANT DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, THRIKARIYOOR-689 692

3. V.S BALAJI,
SUB GROUP OFFICE, SREE DHARMASASTHA TEMPLE
PERUMBAVOOR-683 542

BY ADV. SRI.M.V.S.NAMBOOTHIRI, SC, TRAVANCORE
DEVASWOM BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
24-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 14131 of 2015 (N)

APPENDIX

PETITIONER'S EXHIBITS

EXHBIIT P1 TRUE COPY OF THE INFORMATION FURNISHED BY THE VIGILANCE
AND ANTI CORRUPTION BUREAU TO SMT. PARVATHY VENUGOPAL UNDER THE
RIGHT TO INFORMATION ACT VIDE NO.G3 28964/2014 DATED 05-09-2014

EXHBITI P2 TRUE COPY OF THE COMPLAINT SUBMITTED BY VADARKUTTY
SAMOOHAM BEFORE THE 2ND RESPONDENT AS AGAINST THE 3RD RESPONDENT
DATED 10-04-2015

/TRUE COPY/

PA TO JUDGE

**T.R.RAMACHANDRAN NAIR &
K.P.JYOTHINDRANATH, JJ.**

W.P.(C)No.14131 OF 2015

Dated this the 24th day of June, 2015

JUDGMENT

Ramachandran Nair, J.

This writ petition is filed by the petitioners pointing out that Ext.P1 communication will show that there was an enquiry by the Vigilance Department recommending transfer of the third respondent and to initiate other departmental action. Alleging that the respondents 1 and 2 have not taken any further action in the matter, the petitioners have approached this Court.

2. We heard the learned counsel for the petitioners Sri.Sajeev Kumar K.Gopal and the learned standing counsel for the Travancore Devaswom Board Sri.M.V.S.Namboodiri.

3. In the grounds in the writ petition, it is alleged that the respondents 1 and 2 are not taking any action against the third respondent in spite of Ext.P1 and the main prayers in the writ petition are the following :

“i. Issue a writ of mandamus or other appropriate writs, directions or orders directing the respondents 1 and 2 to initiate appropriate proceedings against the 3rd respondent as recommended by the Vigilance and Anticorruption Bureau in its report dated 25.08.2014 vide No.T1-CV4/14/EKM forthwith and not to grant any further promotion to the 3rd respondent pending the above proceedings;

ii. Declare that the failure on the part of the respondents 1 and 2 in taking further steps against the 3rd respondent as recommended by the Vigilance and Anticorruption Bureau is per se illegal;

iii. Render such other orders as are deemed fit and proper in the circumstances of the case.”

4. The learned Standing Counsel for the Devaswom Board by referring to Ext.P1 submitted that even going by Ext.P1, it can be seen that the Vigilance and Anticorruption Bureau has only forwarded the report to the Government with their recommendation. It is submitted that the stage has not reached for the Devaswom Board to initiate any action evidently. It is submitted that it is upto the Government to take

appropriate decision in the matter. We fully agree with the above contention.

In that view of the matter, the writ petition is pre-mature. Accordingly, it is dismissed.

T.R.RAMACHANDRAN NAIR, JUDGE

K.P.JYOTHINDRANATH,JUDGE

SV.