

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

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

WP(C).NO. 14614 OF 2015 (B)

PETITIONER(S) :

A.SANTHOSH NAIK
SANDHYA NILAYA, NEAR BAIDARKALA GARODI, ADKATHABAIL
KASARAGOD P.O., KASARAGODU.

BY ADVS.SRI.SHABU SREEDHARAN
SRI.S.VIJAYAN
SRI.N.MUHAMMAD SAJU
SRI.C.PAULOSE
SRI.SREEDHARAN KARATTA
SMT.RESHMA ABDUL RASHEED

RESPONDENT(S) :

1. THE COMMISSIONER, MALABAR DEVASWOM BOARD
KOZHIKODE-673006.

2. THE DEPUTY COMMISSIONER
MALABAR DEVASWOM BOARD, KOZHIKODE-673006.

3. THE EXECUTIVE OFFICER
SREE MALLIKARJUNA TEMPLE, KASARAGOD-671121.

4. B.SUBRAMANYA
NEAR KRISHNA TALKIES, ASHOKA NAGARA
KASARAGOD KASABA VILLAGE, E KASARAGODU-671121.

R1&2 BY ADV. SRI.K.R.SUNIL, SC, MALABAR DEVASWOM BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
24-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).NO. 14614 OF 2015 (B)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1: THE TRUE COPY OF THE PROCEEDINGS OF THE 3RD RESPONDENT
DATED 8.6.2012.

EXHIBIT P2: THE TRUE COPY OF THE ORDER IN AP1/2014 DATED 30.6.2014.

EXHIBIT P3: THE TRUE COPY OF THE APPEAL MEMORANDUM IN AP 10/2014 DATED
29.7.2014.

EXHIBIT P4: THE TRUE COPY OF THE IA NO.10/2015 IN AP 10/2014 DATED
18.3.2015.

EXHIBIT P5: THE TRUE COPY OF THE MEMO DATED 23.3.2015.

EXHIBIT P6: THE TRUE COPY OF THE ORDER PASSED BY THE 1ST RESPONDENT
DATED 25.3.2015.

RESPONDENT(S) ' EXHIBITS::NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.14614 of 2015

.....
Dated this the 24th day of June, 2015

JUDGMENT

The petitioner who was appointed as Watchman cum Mike Operator in the Sree Mallikarjuna Temple, Kasaragodu, was aggrieved by a suspension order that was served on him by the 3rd respondent. He, therefore, preferred an appeal against the said order before the 2nd respondent, who vide Ext.P2 order, directed the 3rd respondent to reinstate him with back wages. It would appear that, the 3rd respondent filed a further appeal before the 1st respondent against the order directing reinstatement of the petitioner. While the matter was pending consideration before the 1st respondent, the 4th respondent who was engaged by the 3rd respondent in the meanwhile, as Watchman cum Mike Operator on daily wage basis consequent to the suspension of the petitioner, filed an application seeking impleadment in the proceedings before the 1st respondent. It is the case of the petitioner in the writ petition that, while counsel for the petitioner had submitted an objection to the impleadment application preferred by the 4th respondent, the 1st respondent passed Ext.P6 order without hearing the petitioner, allowing the impleadment application preferred by the 4th respondent. In the writ petition, Ext.P6 order is impugned, inter alia, on the ground that while passing

Ext.P6 order, the 1st respondent acted in gross violation of the principles of natural justice.

2. I have heard the learned counsel for the petitioner and the learned Standing counsel for the respondent Devaswom Board.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I find that Ext.P6 order is only one that is passed on an application filed by the 4th respondent to implead himself in the proceedings before the 1st respondent, where the issue to be considered is whether the petitioner has to be reinstated in service consequent to the suspension order passed against him. The 4th respondent is a person, who was appointed on daily wage basis consequent to the suspension of the petitioner and has filed the impleadment application, probably aspiring for a direction to continue him in the services of the Board. At any rate, inasmuch as the petitioner cannot be said to be prejudiced by the mere impleadment of the 4th respondent in the proceedings before the 1st respondent, I am of the view that, there is no necessity for interfering with Ext.P6 order of the 1st respondent. Accordingly, I dismiss the writ petition in its challenge against Ext.P6 order and

direct the 1st respondent to complete the proceedings in Ext.P3 appeal within a period of one month from the date of receipt of a copy of this judgment, after hearing the petitioner and interested parties.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns