

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

WP(C).No. 15188 of 2015 (W)

PETITIONER:

**K.BINDU, AGED 45 YEARS,
UPPER DIVISION CLERK, GURUVAYOOR DEVASWOM,
GURUVAYOOR - 680 101.**

**BY ADVS.SRI. P.RADHAKRISHNAN
SRI. MADHU RADHAKRISHNAN
SRI. NELSON JOSEPH
SRI. M.D.JOSEPH**

RESPONDENT(S):

- 1. MANAGING COMMITTEE,
GURUVAYOOR DEVASWOM, REPRESENTED BY ITS CHAIRMAN,
GURUVAYOOR - 680 101.**
- 2. THE ADMINISTRATOR,
GURUVAYOOR DEVASWOM, GURUVAYOOR - 680 101.**

*** ADDITIONAL RESPONDENT 3 IMPEADED**

ADDITIONAL RESPONDENT:

- 3. MR.K.MURALIDHARAN,
"MAYURA", P.M.LANE, NO.14,
AYYANTHOLE, THRISSUR - 680 003.**

*** ADDITIONAL RESPONDENT 3 IMPEADED AS PER ORDER DATED 24.06.2015 IN I.A.
No.8486/15.**

**R1 & R2 BY ADV. SRI.P.GOPAL
R3 BY ADVs. SRI.R.SREEHARI
SRI.M.V.SURESH (KANNUR)
SRI.V.K.SREEJITH**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
26-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1:** COPY OF THE DECISION DATED 13/05/2014 SIGNED BY THE 2ND RESPONDENT.
- EXHIBIT P2:** COPY OF THE WORK ORDER ISSUED BY THE 2ND RESPONDENT FOR THE PERIOD 01/06/2014 TO 31/05/2015.
- EXHIBIT P3:** COPY OF THE LOCAL DELIVERY BOOK.
- EXHIBIT P4:** COPY OF THE DECISION NO. 2 OF THE 1ST RESPONDENT TAKEN IN THE MEETING HELD ON 05/01/2015.
- EXHIBIT P5:** COPY OF THE EXPLANATION DATED 02/02/2015 SUBMITTED BY THE DEPUTY ADMINISTRATOR (TEMPLE) TO THE 2ND RESPONDENT.
- EXHIBIT P6:** COPY OF THE EXPLANATION DATED 02/02/2015 SENT BY THE MANAGER (TEMPLE).
- EXHIBIT P7:** COPY OF THE EXPLANATION GIVEN BY THE MANAGER (S&P).
- EXHIBIT P8:** COPY OF THE NOTICE DATED 24/01/2015 SENT BY THE 2ND RESPONDENT TO THE PETITIONER.
- EXHIBIT P9:** COPY OF THE EXPLANATION DATED 05/02/2015 SUBMITTED BY THE PETITIONER.
- EXHIBIT P10:** COPY OF THE DECISION No.17 DATED 11/04/2015.
- EXHIBIT P11:** COPY OF THE DECISION DATED 21/04/2015 TAKEN BY THE 1ST RESPONDENT.
- EXHIBIT P12:** COPY OF THE REPORT OF THE ASSISTANT AUDIT OFFICER.
- EXHIBIT P5 (PRODUCED ALONG WITH I.A):** COPY OF THE EXPLANATION DATED 02.02.2015 SUBMITTED BY THE DEPUTY ADMINISTRATOR (TEMPLE) TO THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS

- EXHIBIT R1(a):** COPY OF THE RESOLUTION No.135 DATED 13.05.2014 OF THE DEVASWOM.
- EXHIBIT R1(b):** COPY OF THE INTIMATION DATED 16.01.2014 AND THE LIST.

EXHIBIT R1(c): COPY OF THE RESOLUTION No.12 DATED 11.02.2014 OF THE DEVASWOM.

EXHIBIT R1(d): COPY OF THE FAIR COPY OF THE REVISED RATE OF THULABHARAM ARTICLES FOR CONDUCTING THULABHARAM IN THE TEMPLE.

//TRUE COPY//

PA TO JUDGE

SB

K. VINOD CHANDRAN, J.

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W.P.(C) No.15188 of 2015 - W

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Dated this the 26th day of November, 2015

J U D G M E N T

The petitioner is aggrieved with the fact that she had been suspended on 21.04.2015 on allegations of misconduct, but however, no proceedings for disciplinary enquiry has been initiated till now. The petitioner was proceeded against for alleged misconduct insofar as not having brought into effect the revised rates of Thulabharam, as decided by the Board, by sending it to the Managing Committee, which approves the same.

2. This Court need not look into the allegations or the sustainability of the same. The learned Standing Counsel for the Guruvaryoor Devaswom Board submits that the Finance and Accounts Officer has now been appointed as the Enquiry Officer. The Finance and Accounts Officer is also proceeding with the

enquiry. However, the fact remains that the petitioner was suspended on 21.04.2015 and had been kept out of service all these months, without any fruitful proceedings having been undertaken. This goes against the dictum laid down in **Ajay Kumar Choudhary v. Union of India (UOI) and Others [AIR 2015 SCC 2389 and (2015) 7 SCC 291]**.

3. In such circumstance, considering the fact that the disciplinary proceedings is going on, the petitioner shall be reinstated in service on a similar Grade, but however in any of the offices under the Devaswom Board, immediately within a period of one week from today. The Managing Committee or the Adhoc committee shall positively pass orders, posting the petitioner within the time frame stipulated by this Court. The Board shall also give appropriate instructions to the Finance and Accounts Officer, who has been appointed as the Enquiry Officer, to expedite the enquiry.

4. The learned counsel for the petitioner submits that

the suspension order has to be set aside to regularise that period. As to the question of regularisation of suspension period, that is a matter, which can be decided only after the conclusion of the disciplinary enquiry. The contentions of both parties with respect to such regularisation shall be left open.

The Writ petition is disposed of without any observations on the merits of the matter.

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

SB/26/11/2015

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P.A to Judge.