

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

WP(C).No. 15414 of 2015 (B)

PETITIONER(S):

**T.S SUDHEER,
AGED 47 YEARS,
EXECUTIVE ENGINEER,
PUBLIC HEALTH DIVISION,
KOTTARAKKARA.**

**BY ADVS.SRI.PIRAPPANCODE V.S.SUDHIR
SRI.JELSON J.EDAMPADAM**

RESPONDENT(S):

**1. STATE OF KERALA, REPRESENTED BY THE
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT,
KERALA WATER AUTHORITY, WATER RESOURCES DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM. PIN: 695 001.**

**2.MANAGING DIRECTOR, KERALA WATER AUTHORITY,
THIRUVANANTHAPURAM PIN 695 001.**

**3.THE CONVENER,
DEPARTMENTAL PROMOTION COMMITTEE &
THE MANAGING DIRECTOR, KERALA WATER AUTHORITY,
JALA BHAVAN, THIRUVANANTHAPURAM - 695 033.**

**R BY GOVERNMENT PLEADER SMT.LOWSY.A.
R BY SRI.GEORGE MATHEW, SC, KERALA WATER AUTHORITY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
26-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE SHOW CAUSE NOTICE NO.KWA/JB/E6(B2)/3036/14 DATED 9.5.2014 OF THE 2ND RESPONDENT.

EXT.P2: COPY OF THE EXPLANATION DATED 14.7.2014 SUBMITTED BY THE PETITIONER TO EXT.P1 SHOW CAUSE NOTICE.

EXT.P3: COPY OF THE LETTER NO.KWA/JB/E6/(B2)/3036/2014 DATED 28.1.2015, BY THE 2ND RESPONDENT.

EXT.P4: COPY OF THE MEMO CHARGES NO.KWA/JB/E6(B2)/3036/2014 DATED 26/3/2015 ALONG WITH THE STATEMENT OF ALLEGATIONS, ISSUED BY THE 2ND RESPONDENT.

EXT.P5: COPY OF THE LETTER NO.E1.1210/2006/VOL.IV DATED 9.11.2011 OF THE EXECUTIVE ENGINEER, P.H.DIVISION, KWA, KOLLAM ADDRESSED TO THE DISTRICT EMPLOYMENT EXCHANGE, CONTAINED THE PRECISED DETAILS OF THE SELECT LIST OF THE PUMP OPERATORS.

EXT.P6: COPY OF THE EXPLANATION DATED 4.4.2015 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P7: COPY OF THE MINUTES OF THE MEETING OF THE DEPARTMENTAL PROMOTION COMMITTEE HELD ON 16.3.2015, RECEIVED UNDER THE RIGHT TO INFORMATION ACT SHOWING THAT THE PETITIONER WAS SUPERSEDED BECAUSE OF THE PENDENCY OF THE DISCIPLINARY ACTION AS AGAINST HIM.

EXT.P8: COPY OF THE REPRESENTATION DATED 6.5.2015 SUBMITTED BY THE PETITIONER.

RESPONDENTS EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.15414 OF 2015 (B)

Dated this the 26th day of May, 2015

J U D G M E N T

The petitioner in the writ petition is aggrieved by the delay occasioned on the part of the 2nd respondent in completing the disciplinary proceedings that were initiated against the petitioner by issuance of Ext.P1 show cause notice and Ext.P4 memo of charges. It is the case of the petitioner that when further proceedings pursuant to the said notice and memo of charges was being delayed by the 2nd respondent, he had preferred Ext.P8 representation before the 3rd respondent, who is also the Managing Director of the respondent Water Authority. The prayer in the writ petition is for a direction to the 3rd respondent to take a decision on Ext.P6 reply and Ext.P8 representation within a stipulated time frame.

2. I have heard the learned counsel for the petitioner as also the learned Standing counsel for respondents 2 and 3.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I dispose the writ petition

with a direction to the 3rd respondent to take a decision on Ext.P6 reply and Ext.P8 representation preferred by the petitioner within a period of two months from the date of receipt of a copy of this judgment, after hearing the petitioner.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp