

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937H

WP(C).No. 15912 of 2015 (L)

PETITIONER : -

M.ANILKUMAR, 'THAMPURU',
AYIROOPPARA P.O., TRIVANDRUM DISTRICT,
NOW WORKING AS DISH WASHER AT INDIAN COFFEE HOUSE,
THIRUVANANTHAPURAM DISTRICT.

BY ADVS.SRI.M.ZIYAD
SRI.T.A.PRAKASH

RESPONDENTS : -

1. INDIAN COFFEE BOARD WORKER'S CO.OP SOCIETY LTD.,
HEAD OFFICE, THRISSUR, 680001,
REPRESENTED BY ITS SECRETARY.
2. THE PRESIDENT,
INDIAN COFFEE BOARD WORKER'S CO-OP.SOCIETY LTD.
HEAD OFFICE, THRISSUR-680001.
3. THE CHAIRMAN, SUB COMMITTEE,
INDIAN COFFEE BOARD WORKER'S CO-OP.SOCIETY LTD.,
HEAD OFFICE, THRISSUR - 680001, REPRESENTED BY ITS SECRETARY.
4. INDIAN COFFEE HOUSE,
REPRESENTED BY ITS MANAGER, KACHERY JUNCTION, ATTINGAL,
THIRUVANANTHAPURAM, 695001.
[4TH RESPONDENT IS DELETED FROM THE PARTY ARRAY AS
PER ORDER DATED 20.07.2015 IN IA 10066/15.]

R1 BY ADV.SRI.V.RAJENDRAN (PERUMBAVOOR)
R1 BY ADV.SRI.GEORGE VARGHESE KIZHAKKAMBALAM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
21-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 15912 of 2015 (L)

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT-P1 : TRUE COPY OF THE PROMOTION LIST DATED 18/05/2015
PREPARED BY THE 1ST RESPONDENT ALONG WITH ENGLISH
TRANSLATION.

EXHIBIT-P2 : TRUE COPY OF THE ORDER DATED 12.09.1996, OF THE 1ST
RESPONDENT.

EXHIBIT-P3 : TRUE COPY OF THE JUDGMENT IN W.P(C) NO.17798 OF 2009(T)
DATED 26.06.2009 OF THIS HON'BLE COURT.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 15912 of 2015

Dated this the 21st day of August, 2015

JUDGMENT

The petitioner, initially working as Counter Clerk in the service of the first respondent, faced certain disciplinary proceedings, which resulted in reduction of his rank to that of 'Dish Washer'. Against the said order of reduction in rank, the petitioner is said to have filed an appeal before the first respondent. Seeking its expeditious consideration and also seeking promotion to the post of Accountant/Manager, the petitioner has filed the present writ petition.

2. Despite the submissions made by the learned counsel for the petitioner, a perusal of the record reveals that the petitioner has filed before this Court neither the order of reduction in rank nor a copy of the alleged appeal said to have been filed before the first respondent.

3. The learned counsel for the respondent Board has, however, submitted that a petition dated 15.12.2014 filed by the petitioner is pending before the first respondent. He has

further contended that there can be no statutory appeal against the order of reduction in rank during the course of the disciplinary proceedings. At any rate, the learned counsel has fairly submitted that the first respondent is willing to consider petitioner's petition dated 15.12.2014 on merits and pass appropriate orders thereon.

4. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned counsel for the respondent, this Court, without expressing any opinion on the merits of the matter, disposes of the present writ petition with a direction to the first respondent to consider the petitioner's application dated 15.12.2014 in accordance with law, and pass appropriate orders thereon as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment.

With the above observation, this writ petition is disposed of. No order as to costs.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-