

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

WP(C).NO. 16320 OF 2015 (L)

PETITIONER(S) :

VENUGOPAL T.K
ASSISTANT ENGINEER (ELECTRICAL), GURUVAYOOR DEVASWOM
GURUVAYOOR 680 101.

BY ADVS.SRI.A.JAYASANKAR
SRI.C.V.MANUVILSAN
SRI.MANU GOVIND

RESPONDENT(S) :

GURUVAYOOR DEVASWOM
GURUVAYOOR 680 101. REPRESENTED BY ITS ADMINISTRATOR.

R1 BY ADV. SRI.P.GOPAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
20-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

P1- A TRUE PHOTOCOPY OF THE REPORT SUBMITTED BY THE ASSISTANT EXECUTIVE ENGINEER IN CHARGE ON 4.8.2014

P2- A TRUE COPY OF THE LEAVE APPLICATION DATED 4.8.2014

P3- A TRUE COPY OF THE MEDICAL CERTIFICATE DATED 4.8.14

P4- A TRUE COPY OF THE RESOLUTION NO.13 DATED 9.2.15

P5- A TRUE COPY OF THE CHARGE SHEET ALONG WITH THE MEMORANDUM OF ALLEGATIONS

P6- A TRUE COPY OF THE RELEVANT PAGE OF THE ATTENDANCE REGISTER

P7- A TRUE COPY OF THE EXPLANATION DATED 3.4.15

P8- A TRUE COPY OF THE SUSPENSION ORDER DATED 28.4.15 ISSUED BY THE ADMINISTRATOR

P9- A TRUE COPY OF THE REQUEST DATED 2.5.15 WITH REMARKS OF THE EXECUTIVE ENGINEER

P10- A TRUE COPY OF THE EXPLANATION DATED 8.5.2015 SUBMITTED BEFORE THE ADMINISTRATOR

RESPONDENT(S) ' EXHIBITS

EXT.R(A):TRUE COPY OF THE SUBMISSION OF THE ASSISTANT EXECUTIVE ENGINEER (E) AND THE ENDORSEMENT MADE BY 1ST GRADE OVERSEER ON THE REVERSE SIDE OF THE SUBMISSION

EXT.R(B):TRUE COPY OF THE UNSIGNED APPLICATION SUBMITTED BY THE PETITIONER

EXT. R(C): TRUE COPY OF THE REMARKS OF ASSISTANT EXECUTIVE ENGINEER AND EXECUTIVE ENGINEER

EXT. R(D):TRUE COPY OF THE RESOLUTION DATED 27.04.2015 OF THE MANAGING COMMITTEE

EXT. R(E): TRUE COPY OF THE SUBMISSION GIVEN BY THE EXECUTIVE ENGINEER (E) DATED 21.05.2015

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.16320 of 2015

.....
Dated this the 20th day of July, 2015

J U D G M E N T

The petitioner who is an Assistant Engineer(Electrical) under the respondent Devaswom is aggrieved by Ext.P8 order of suspension that has been issued, suspending him from service pending completion of disciplinary proceedings. The facts in the writ petition would disclose that, in connection with certain allegations that were raised against the petitioner by Ext.P5 charge memo dated 03.03.2015, an explanation was sought from the petitioner and the petitioner preferred an explanation. Thereafter, apparently after considering the said explanation, the respondent Board decided to issue Ext.P8 order of suspension suspending the petitioner from service pending completion of the disciplinary proceedings against him. A perusal of Ext.P5 charge memo, as also the averments in the counter affidavit filed by the respondents, would indicate that the charge memo itself was served on the petitioner taking note of certain acts of dereliction of duty and the availment of unauthorised leave by the petitioner. Admittedly these acts were mentioned in Ext.P5 charge memo only because the said acts preceded the date of

issuance of the charge memo. If that be the case, then this Court is at a loss to understand why the petitioner had to be placed under suspension more than two months after the date of issuance of the charge memo, more so when the respondent has already initiated steps to complete the disciplinary proceedings against the petitioner.

After hearing the counsel for the petitioner as well as the respondent, I am of the view that the ends of justice would be served by directing the respondent to complete the disciplinary proceedings against the petitioner within a period of two months from the date of receipt of a copy of this judgment. The respondents shall comply with a fair procedure, and afford the petitioner an opportunity of hearing, while completing the proceedings against him. The petitioner shall also co-operate with the enquiry that is directed to be completed by this judgment. I also find that, pending completion of the disciplinary proceedings, and taking note of the fact that, there was no requirement felt by the respondent for keeping the petitioner under suspension in the initial period immediately after the issuance of the charge sheet, the order of suspension now served on the petitioner (Ext.P8) cannot be legally sustained. Accordingly, I quash Ext.P8 and direct that the petitioner shall be reinstated in service pending

completion of the disciplinary proceedings as directed in this judgment. I make it clear that, nothing in this judgment shall be construed as having interdicted the respondent from placing the petitioner under suspension, if there is any fresh instance of dereliction of duty or other misconduct that warrants a fresh disciplinary proceedings against the petitioner.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns