

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

OP.No. 37479 of 2002 (J)

PETITIONER:

**K.RAJEEVAN, SPECIAL GRADE CONDUCTOR
KOTTARAKKARA TRANSPORT DEPOT
MEENATHATHIL HOUSE,
PUTHENTHURA (P.O),
NEENDAKARA, KOLLAM.**

BY ADV. SRI.P.V.VENUGOPAL

RESPONDENTS:

- 1. K.S.R.T.C., REPRESENTED BY ITS
MANAGING DIRECTOR, K.S.R.T.C. TRANSPORT BHAVAN
THIRUVANANTHAPURAM.**
- 2. MANAGING DIRECTOR (APPELLATE AUTHORITY
DISCIPLINARY PROCEEDINGS), TRANSPORT BHAVAN
THIRUVANANTHAPURAM.**
- 3. EXECUTIVE DIRECTOR (LEGAL), K.S.R.T.C.,
LEGAL TRANSPORT BHAVAN, THIRUVANANTHAPURAM.**
- 4. K.N.VISWAPPAN,
MECHANICAL ENGINEER, K.S.R.T.C.**

R1 TO R3 BY SRI. M. GOPIKRISHNAN NAMBIAR, SC, KSRTC

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON
20-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

DCS

OP.No. 37479 of 2002 (J)

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT. P1: COPY OF FINDINGS OF THE DOMESTIC ENQUIRY REPORT DATED NIL FILED BY THE 4TH RESPONDENT**
- EXT. P2: COPY OF THE JUDGMENT IN C.C. NO. 165/94 DATED 20.11.1996 ISSUED BY THE 2ND CLASS JUDICIAL MAGISTRATE COURT, KOLLAM**
- EXT. P3: COPY OF THE ORDER BEARING ISSUED BY THE EXECUTIVE DIRECTOR BEARING NO. VLD2/63340/93 DATED 07.08.2000**
- EXT. P4: COPY OF THE ORDER BEARING NO.D.DIS (APL2) 4691/01 DATED 28.10.2002**
- EXT.P5: COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE 2ND RESPONDENT DATED 15.1.2002**

RESPONDENT'S EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V.CHITAMBARESH, J.

O.P. No.37479 of 2002

Dated this the 20th day of August, 2015

J U D G M E N T

The punishment of censure was imposed on the petitioner while in service. The period of suspension was also directed to be treated as leave eligible. A sum of Rs. 4074.90 was directed to be recovered from the petitioner towards lost tickets. The punishment as affirmed by the appellate authority is impugned.

2. C.C. No. 165/1994 was registered against the petitioner on the same set of facts. The criminal case ended in acquittal by judgment dated 20.11.1996. The petitioner points out that there was honourable acquittal. The petitioner therefore seeks annulment of the punishment imposed.

3. The petitioner has concededly retired from service on 30.03.2011. No purpose would be served in remitting the matter to the disciplinary authority. The petitioner seems to be more concerned about the monetary benefits. The petitioner has a grievance as

regards the dues and pensionary benefits.

4. The grievance of the petitioner in that regard seems to be three fold and they are as under:-

i) Only subsistence allowance at the rate of 50% was paid during the period of suspension for two years and nine months from 26.10.1993 to 06.07.1996.

ii) Eligible increment ought to have been credited when the period of suspension was directed to be treated as eligible leave.

iii) The consequential pensionary benefits has also to be revised after rectifying the anomalies pointed out in (i) and (ii).

5. It is better that the petitioner makes an appropriate application to the first respondent. Any motion made in that regard within one month from today shall be dealt with within two months therefrom. The petitioner shall be put on notice and heard in the exercise. The monetary

dues if any dependent on the outcome of the representation shall be disbursed to the petitioner.

The original petition is disposed of.

**V.CHITAMBARESH,
JUDGE.**

DCS.