

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 20TH DAY OF MAY 2015/30TH VAISAKHA, 1937

WP(C).No. 17947 of 2014 (P)

PETITIONER(S) :

T.RAGHUNATH, AGED 51 YEARS,
S/O.KRISHNANKUTTY NAIR, 'KRISHNAKRIPA', KULANGEREDATH
CHELAVOOR, KOZHIZKODE-673 571.

BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA
SRI.T.K.BIJU (MANJINIKARA)

RESPONDENT(S) :

1. GOVERNMENT OF KERALA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF HEALTH AND FAMILY WELFARE
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.

2. KOZHIKODE MEDICAL COLLEGE HOSPITAL DEVELOPMENT SOCIETY
MEDICAL COLLEGE P.O., KOZHIKODE-673 008
REPRESENTED BY ITS SECRETARY (THE SUPERINTENDENT
MEDICAL COLLEGE HOSPITAL, KOZHIKODE).

3. THE CHAIRMAN
KOZHIKODE MEDICAL COLLEGE HOSPITAL DEVELOPMENT SOCIETY
MEDICAL COLLEGE P.O.
KOZHIKODE-673 008 (DISTRICT COLLECTOR, KOZHIKODE).

4. VICE CHAIRMAN
KOZHIKODE MEDICAL COLLEGE HOSPITAL DEVELOPMENT SOCIETY
MEDICAL COLLEGE P.O., KOZHIKODE-673 008 (PRINCIPAL
MEDICAL COLLEGE HOSPITAL, KOZHIKODE).

R1 -R 4 BY ADV. GOVERNMENT PLEADER SMT.SUNITHA VINOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
20-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1.TRUE COPY OF THE ORDER NO.HDS/4294/2012 DATED 7/12/2012 ISSUED BY THE 2ND RESPONDENT

EXT.P2.TRUE COPY OF THE DO NO.10363/M3/2013/H & FWD DATED 3/4/2013 ISSUED BY THE 1ST RESPONDENT

EXT.P3.TRUE COPY OF THE AFFIDAVIT DATED 7/5/2013 FILED BY THE PETITIONER IN WPC NO.2930/2013.

EXT.P3(A).TRUE COPY OF THE AFFIDAVIT DATED 7/5/2013 FILED BY THE PETITIONER IN WPC NO.2930/2013.

EXT.P4.TRUE COPY OF THE JUDGMENT DATED 10/5/2013 IN WPC NO.2930/2013 OF THIS HONOURABLE COURT.

EXT.P5.TRUE PHOTOCOPY OF THE RELEVANT PORTION OF THE AGENDA ITEM OF THE MEETING DATED 6/7/2013 OF THE 2ND RESPONDENT

EXT.P6.TRUE COPY OF THE PROCEEDINGS NO.10363/M3/2013/H & FWD DATED 24/2/2014 OF THE 1ST RESPONDENT

EXT.P7.TRUE COPY OF THE REPRESENTATION DATED 10/3/2014 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENTS 2 TO 4.

EXT.P8:TRUE COPY OF THE PROCEEDING DATED 8.7.2013 OF THE 2ND RESPONDENT PRODUCED ALONG WITH THE COUNTER AFFIDAVIT DATED 10.02.2015

EXT.P9:TRUE COPY OF THE REPRESENTATION DATED 27.2.2015, SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

RESPONDENT(S) ' EXHIBITS:

EXT.R2(a):A TRUE COPY OF THE PROCEEDINGS DATED 08.07.2013

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.17947 of 2014

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

J U D G M E N T

The petitioner who states that he has been working as an Electrician under the 2nd respondent with effect from 1994, approached this Court when he was suspended from service by Ext.P1 order dated 07.12.2012. The facts in the writ petition would disclose that although the petitioner was suspended by Ext.P1 order, he had taken up the matter with the State Government and by Ext.P6 order, the Government was of the opinion that there was no cause for suspending the petitioner from service and the situation was one that warranted reinstatement of the petitioner in service. When despite Ext.P6 order of the Government, the 2nd respondent did not take any steps to reinstate the petitioner, the petitioner filed the present writ petition seeking inter alia a direction to the respondents to implement the direction issued by the Government in Ext.P6 order. In a counter affidavit filed on behalf of the 2nd respondent in the writ petition, an order dated 08.7.2013 of the 2nd respondent was produced, which indicated that the petitioner was employed only on daily wages by the 2nd respondent and his suspension from service was at a time when he was employed on daily wages and not in regular service of the 2nd respondent. It is the specific case of the petitioner that he

was not served with the order dated 08.07.2013 at any point in time and he came to know of the said order only through the counter affidavit filed on behalf of the 2nd respondent. At any rate, on becoming aware of the said order, he immediately approached the Government through Ext.P9 representation with a prayer for issuance of appropriate directions to the 2nd respondent to reinstate the petitioner into service with all consequential benefits. At the time of hearing of the writ petition, the limited prayer of the petitioner is for a direction to the 1st respondent to consider and pass orders on Ext.P9 representation which is preferred by the petitioner before it expeditiously and after hearing the petitioner.

2. I have heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, and in view of the peculiar factual situations in this case, I am of the view that the 1st respondent must consider and pass orders on Ext.P9 representation preferred by the petitioner before him expeditiously. Accordingly, I direct the 1st respondent to consider and pass orders on Ext.P9 representation preferred by the petitioner within a

period of one month from the date of receipt of a copy of this judgment after hearing the petitioner.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

