

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

WP(C).NO. 20393 OF 2013 (Y)

PETITIONER(S) :

K.APPUKUTTAN NAIR
S/O. KUNJIKRISHNA PANICKER, AGED 60 YEARS
KRISHNAPURATHU, PULLAD, THIRUVALLA
PATHANAMTHITTA DISTRICT.

BY ADVS.SRI.ARUN.B.VARGHESE
SRI.K.REEHA KHADER

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY, LAW DEPARTMENT
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.

2. THE DISTRICT COLLECTOR
PATHANAMTHITTA - 685 549.

R1,R2 BY ADV. GOVERNMENT PLEADER SMT.LOWSY.A

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
28-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).NO. 20393 OF 2013 (Y)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT-P1-A TRUE COPY OF THE G.O(MS) NO. 50/07/LAW DATED 15/02/2007
ISSUED BY THE 1ST RESPONDENT.

EXHIBIT-P2-A TRUE COPY OF THE RELEVANT PORTION OF KERALA GOVERNMENT
LAW OFFICERS (APPOINTMENT AND CONDITIONS OF SERVICE) AND CONDUCT OF
CASES RULES, 1978 WHICH DEALS WITH REMUNERATION, TRAVELLING ALLOWANCE
AND LEAVE.

EXHIBIT-P3-TRUE COPY OF THE REPRESENTATION DATED 27/03/2012 SUBMITTED
BEFORE THE 2ND RESPONDENT.

EXHIBIT-P4-TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT.

EXHIBIT-P5-TRUE COPY OF THE REPRESENTATION DATED 11/06/2013 SUBMITTED
BEFORE THE 2ND RESPONDENT.

RESPONDENT(S) ' EXHIBITS

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.20393 OF 2013

Dated this the 28th day of May, 2015

J U D G M E N T

The petitioner who is a practising lawyer, and had been appointed as additional Government Pleader and Additional Public Prosecutor at Pathanamthitta for a period of three years, is aggrieved by the non-disbursal of monthly remuneration for the period from February 2011 to December 2011. The facts in the writ petition would disclose that the respondents had withheld the amounts, that were due to him by way of remuneration for the aforesaid period, on the basis of allegation that on account of the improper conduct of a case by the petitioner, loss was occasioned to the Government. It is the stand of the respondents that as per the provisions of the Kerala Government Law Officers (appointment and conditions of services) and conduct of cases Rules, 1978, they are entitled to withhold the said amounts from the remuneration payable to the petitioner. While various contentions are raised in the writ petition against the said stand of the respondent, when the case was called up today, it is pointed out by learned counsel for the petitioner that during the pendency

of the writ petition, he has been served with Ext.P6 notice by the 2nd respondent and P8 notice by the 1st respondent to which he has preferred Exts.P7 and P9 replies respectively. It is the submission of counsel for the petitioner that inasmuch as the 1st respondent is seized of the matter and has assured the petitioner of a hearing prior to taking a final decision, he may be relegated to the remedies before the 1st respondent.

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

3. On a consideration of the facts and circumstances of the case as also the submissions made across the bar and taking note of the fact that the grievance of the petitioner is now before the 1st respondent, pursuant to Exts.P6 and P9 notices that were issued to the petitioner, I direct the 1st respondent to take a decision in the matter, after hearing the petitioner, within a period of two months from the date of receipt of a copy of this judgment.

The writ petition is disposed as above

A.K.JAYASANKARAN NAMBIAR
JUDGE

