

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

WP(C).No. 19487 of 2015 (I)

PETITIONER(S):

**K.A.JACOB, AGED 52 YEARS,
S/O. K.J.AUGUSTINE, KATTIKKATT HOUSE,
THUMBOLI P.O., ALAPPUZHA - 688 008.**

BY ADV. SRI.G.KIRAN.

RESPONDENT(S):

- 1. SMT.LEENA NAIR,
CHAIRMAN & DISCIPLINARY AUTHORITY,
MARINE PRODUCTS EXPORT DEVELOPMENT AUTHORITY,
MPEDA HOUSE, PANAMPALLY AVENUE, PB NO. 4272,
KOCHI - 682 036.**
- 2. SHRI. K.J.ANTONY,
JOINT DIRECTOR (MARKETING),
MARINE PRODUCTS EXPORT DEVELOPMENT AUTHORITY,
MPEDA HOUSE, PANAMPALLY AVENUE, PB NO. 4272,
KOCHI - 682 036.**
- 3. THE COMMERCE SECRETARY,
GOVERNMENT OF INDIA,
MINISTRY OF COMMERCE AND INDUSTRY (MOCI),
UDYOG BHAVAN, NEW DELHI - 110 187.**
- 4. MARINE PRODUCTS EXPORT DEVELOPMENT AUTHORITY,
REPRESENTED BY ITS SECRETARY, MPEDA HOUSE,
PANAMPALLY AVENUE, PB NO. 4272, KOCHI - 682 036.**

**R1, R2 & R4 BY ADV. SRI.ANTONY MUKKATH, SC.
BY ADV. SRI.V.ABRAHAM MARKOS.
R3 BY ADV. SRI.N.NAGARESH, ASSIST. S.G. OF INDIA.**

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

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 - TRUE COPY OF THE MEMORANDUM REF: 3/4/2013/VIG/HQ DT. 13.12.2013
ISSUED UNDER RULE 14 OF THE CENTRA CIVIL SERVICES
(CLASSIFICATION, CONTROL & APPEAL) RULES, 1965 ISSUED BY
THE 1ST RESPONDENT TO THE PETITIONER.
- P2(A), P2(B), P2(C) AND P2(D): ANNEXURE- I, II, III & IV ENCLOSURES
RESPECTIVELY ISSUED BY THE 1ST RESPONDENT
TO THE PETITIONER AS PART OF THE EXT. P1.
- P3 - TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONER
BEFORE THE 1ST RESPONDENT DT. 24.01.2014.
- P4 - TRUE COPY OF THE OFFICE ORDER PART II NO. 1688 DT. 11.03.2014
WHEREAS THE 1ST RESPONDENT APPOINTED AND 2ND RESPONDENT AS
THE INQUIRY OFFICER TO ENQUIRE INTO EXT. P2(A) CHARGE.
- P5 - TRUE COPY OF THE REPRESENTATION MADE BY THE PETITIONER BEFORE
THE 3RD RESPONDENT DT. 04/04/2014.
- P6 - TRUE COPY OF THE ORDER NO. 3/4/2013/VIG/HO DT. 21.05.2014 SERVED BY
THE 1ST RESPONDENT TO THE PETITIONER.
- P7 - TRUE COPY OF THE REPRESENTATION MADE BY THE PETITIONER BEFORE
THE 3RD RESPONDENT DT. 02.06.2014.
- P8 - TRUE COPY OF THE REPLY BY THE 3RD RESPONDENT ON 30.04.2015
REJECTING THE EXT. P7 REPRESENTATION BY THE PETITIONER.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.19487 of 2015

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Dated this the 7th day of July, 2015

J U D G M E N T

The petitioner, who is working as Senior Accountant and is currently under suspension from 30.03.2015, is aggrieved by an order that appoints the 2nd respondent as an enquiry officer in connection with the enquiry that is proposed against him. It is the case of the petitioner in the writ petition that, the 2nd respondent will not be impartial in the enquiry, and he has made various allegations against the 2nd respondent in the writ petition. When the matter came up for admission, a query was put to the learned Standing counsel for the respondents, as to whether, taking note of the apprehension of bias that is expressed in the writ petition, the respondents can arrange for another person to be appointed as an Enquiry Officer in the enquiry proposed against the petitioner. When the matter was called today, it is submitted by Standing counsel for the respondents, that the respondents will appoint another person, in place of the 2nd respondent, as the Enquiry Officer in the disciplinary proceedings initiated against the petitioner. Taking note of the said submission of the learned Standing counsel for the respondents, and without making any observations with regard to the various

allegations raised in the writ petition, the writ petition is closed by recording the submission on behalf of the respondents that they will appoint another person, in place of the 2nd respondent, as the Enquiry Officer in connection with the disciplinary proceedings against the petitioner.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns