

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

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

WP(C).No. 20282 of 2015 (I)  
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PETITIONER : -  
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MATHEW JOSEPH, AGED 39 YEARS,  
S/O.JOSEPH,  
SECRETARY (UNDER SUSPENSION),  
PUDUPPADI SERVICE CO-OPERATIVE BANK LIMITED NO.F.1830,  
PUDUPPADI PO, KOZHIKODE DISTRICT-673 586.

BY ADVS.SRI.ARUN CHANDRAN  
SRI.MANU.G.RAJAN

RESPONDENTS : -  
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1. THE ENQUIRY OFFICER,  
(APPOINTED FOR CONDUCTING THE DOMESTIC ENQUIRY AGAINST THE  
PETITIONER),  
THE PUDUPPADI SERVICE CO-OPERATIVE BANK LIMITED NO.F 1830,  
PUDUPPADI PO, KOZHIKODE DISTRICT-673 586.
2. THE DISCIPLINARY COMMITTEE,  
THE PUDUPPADI SERVICE CO-OPERATIVE BANK LIMITED NO.F 1830,  
PUDUPPADI PO, KOZHIKODE DISTRICT-673 586,  
REPRESENTED BY ITS CHAIRMAN.
3. THE PUDUPPADI SERVICE CO-OPERATIVE BANK LIMITED NO.F 1830,  
PUDUPPADI PO, KOZHIKODE DISTRICT-673 586,  
REPRESENTED BY ITS SECRETARY.

BY. ADV.SRI. P. RAMAKRISHNAN  
BY. GOVERNMENT PLEADER SRI. K.C. VINCENT

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

**APPENDIX**

PETITIONER'S EXHIBITS : -

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EXHIBIT P1 : TRUE COPY OF THE LETTER DATED 2-6-2015 REQUIRING THE PETITIONER TO APPEAR BEFORE THE ENQUIRY OFFIER FOR DOMESTIC ENQUIRY ALONG WITH ITS ENGLISH TRANSLATION.

EXHIBIT P2 : TRUE COPY OF THE REQUEST SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT SEEKING PERMISSION TO ENGAGE A LAWYER AND ITS TRUE ENGLISH TRANSLATION.

EXHIBIT P3 : TRUE COPY OF THE PROCEEDINGS OF THE FIRST RESPONDENT ON 19-6-2015 AND ITS TRUE ENGLISH TRANSLATION.

RESPONDENTS' EXHIBITS : - NIL.

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// TRUE COPY //

P.A. TO JUDGE

DMR/-

**DAMA SESHADRI NAIDU, J.**

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**W.P.(c) No. 20282 of 2015**  
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Dated this the 07<sup>th</sup> day of July, 2015

**JUDGMENT**

Heard the learned counsel for the petitioner and the learned counsel for the respondents, as well as the learned Government Pleader, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner, the Secretary working under the third respondent Bank, now under suspension, has been facing a domestic enquiry. In course of time, the petitioner's Exhibit P2 request to have the services of a lawyer to defend himself in the proceedings was rejected through Exhibit P3 by the first respondent Enquiry Officer. Aggrieved thereby, the petitioner has filed the present writ petition.

3. The learned counsel, placing reliance on **Ramesh Chandra (Prof.) v. University of Delhi and others** [2015 (1) ILR Kerala series 677 (SC)], has strenuously contended that the petitioner who has not been legally well-versed, especially concerning the interfaces of departmental proceedings, ought to have been allowed by the first respondent to have the assistance of a counsel.

4. In response thereto, the learned Standing Counsel for the third respondent Bank, on instructions, has submitted that in view of the ratio laid down in **Ramesh Chandra** (*supra*), decided by the Honourable Supreme Court, the respondent Bank does not want to join the issue. To her credit, she has submitted that the first respondent will consider afresh the petitioner's application for having the services of an advocate.

5. In the facts and circumstances, especially going by the concession made by the learned Standing Counsel for the respondent Bank, I do not see any issue remaining for further consideration.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the

petitioner and the learned counsel for the respondents, this Court, without adverting to the merits of the matter, disposes of the writ petition with a direction to the first respondent to consider the petitioner's Exhibit P2 application afresh, before proceeding further, keeping in view the ratio laid down in **Ramesh Chandra** (*supra*) by the Honourable Supreme Court. No order as to costs.

**DAMA SESHADRI NAIDU**  
**JUDGE**

DMR/-