

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

WP(C).No. 31441 of 2005 (R)

PETITIONER :

**T.M. PURUSHOTHAMAN,
M.D.H. WORKER, MODERN DYE HOUSE
KERALA STATE COIR CORPORATION,
RESIDING AT KISHAKKETHOTTAPPALLY,
VANDANAM, ALAPPUZHA-5.**

**BY ADVS.SRI.S.SANAL KUMAR
SMT.BHAVANA VELAYUDHAN**

RESPONDENT(S) :

- 1. THE MANAGING DIRECTOR,
KERALA STATE COIR CORPORATION.**
- 2. THE OFFICER-IN-CHARGE (ADMINISTRATION),
KERALA STATE COIR CORPORATION.**
- 3. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE LABOUR DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM.**

**R1 & R2 BY ADV. SMT. P. DEEPTHI
R3 BY GOVT. PLEADER SRI.SOJAN JAMES**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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WP(C).No. 31441 of 2005 (R)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE ABOVE CAUSE NOTICE DATED 12.6.1998.

EXT.P2 COPY OF THE SUSPENSION ORDER DATED 26.6.1998.

EXT.P3 COPY OF THE OFFICE ORDER APPOINTING SRI. K. KARUNAKARAN AS
PRESENTING OFFICER.

EXT.P4 COPY OF THE ORDER REVOKING THE SUSPENSION OF THE
PETITIONER DATED 17.9.1998.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 31441 of 2005

Dated this the 13th day of October, 2015

J U D G M E N T

The petitioner has approached this Court for getting the domestic enquiry proceedings against him quashed on account of inordinate delay.

2. The petitioner is an MDH Worker in the Coir Corporation, Alappuzha. He was placed under suspension pending disciplinary proceedings in the year 1998. According to the petitioner, flimsy charge of dereliction of duty and impertinence were levelled against him. The petitioner alleges that the domestic enquiry proceedings though started in the year, 1998, was taking a snail's pace with intermittent spells of disruption and though the enquiry was concluded in the year 2002, the report of the enquiry has not yet been submitted. He further alleges that he is denied all emoluments and allowances, to which, he was entitled on account of the pendency of the disciplinary proceedings. The petitioner was about to

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retire in December, 2005. According to him, the inordinate and unexplained delay in the conclusion of disciplinary proceedings resulted in the infringement of fundamental rights of the petitioner. It is with this background, the petitioner has come up before this Court.

3. In the counter affidavit filed by respondents 1 & 2, it is contended that during the period of 58 days, for which the petitioner was under suspension, he was provided with subsistence allowance as per rules and he has received the same during that period. It was also stated that the domestic enquiry initiated against the petitioner could not be completed as the enquiry officer left the service of the company. The petitioner was reinstated in service with effect from 17.09.1998 though he was suspended from service with effect from 26.06.1998. After reinstatement of the petitioner in service, he was paid with all wages and perquisites. It is also stated that the petitioner demitted his office on superannuation on 31.12.2005. According to them, there is no willful laches or negligence on the part of the 1st

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respondent in keeping a final decision in the domestic enquiry. However, it is stated that only a meager amount towards the arrears of pay during the period, in which the petitioner was under suspension, is to be paid if the disciplinary proceeding against him is dropped. It is further stated that whether the petitioner has to be paid balance subsistence allowance/wages for the suspension period has to be decided on the basis of the enquiry finding.

As the petitioner has demitted his office on 31.12.2005, the writ petition is disposed of directing the respondents to complete the disciplinary proceedings; and if the same is not possible, drop the disciplinary proceedings within a period of one month from the date of receipt of a copy of this judgment. The balance of monetary benefits, if any, shall be released to the petitioner within a period of one month thereafter.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-