

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

WP(C).No. 23434 of 2015 (D)

PETITIONER(S):

**UTHAMAN P. AGED 43 YEARS
S/O.KUNJIRAMAN, PAYALLI HOUSE, KOTTOOR
SREEKANDAPURAM P.O., KANNUR, PIN-670 631.**

BY ADV. SRI.B.BALA PRASANNAN

RESPONDENT(S):

- 1. KERALA WATER AUTHORITY
REPRESENTED BY THE MANAGING DIRECTOR, JALABHAVAN
VELLAYAMABALAM, THIRUVANANTHAPURAM-695 033.**
- 2. THE CHIEF ENGINEER
KERALA WATER AUTHORITY
HUMAN RESOURCES DEPARTMENT AND GENRAL, JALABHAVAN
VELLAYAMABALAM, THIRUVANANTHAPURAM-695 033.**
- 3. THE EXECUTIVE ENGINEER
KERALA WATER AUTHORITY, WATER SUPPLY PROJECT
KANNUR DIVISION, KANNUR-670 307.**
- 4. THE ASSISTANT EXECUTIVE ENGINEER
PRIMARY HEALTH SUB DIVISION, KERALA WATER AUTHORITY
TALIPARAMBA, PIN-670 501.**

R BY SRI.JOSEPH JOHN, SC, KERALA WATER AUTHORITY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
04-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1. TRUE COPY OF THE APPOINTMENT ORDER
NO.KWA/JB/E10/K/12880/2003 DATED 3/4/2007.
- EXT.P2. TRUE COPY OF THE POSTING ORDER DATED 25/4/2007 ISSUED BY
THE 4TH RESPONDENT
- EXT.P3. TRUE COPY OF THE TRANSFER AND POSTING ORDER
NO.KWA/PHC/KNR/E1-5862/04 DATED 20/9/2007 OF THE SUPDT.
ENGINEER, KERALA WATER AUTHORITY, PRIMARY HEALTH CENTRE,
KANNUR-12.
- EXT.P4. TRUE COPY OF THE SUPDT. ENGINEER HAVING N.E1-1006/96 DATED
10/8/2009.
- EXT.P5. TRUE COPY OF THE SURPRISE CHECK REPORT ISSUED BY THE
SUPERINTENDENT OF POLICE, VIGILANCE AND ANTI-CORRUPTION
BUREAU, NORTHERN RANGE, KOZHIKODE HAVING NO.SC-10/2010
NRK DATED 10/8/2010.
- EXT.P6. TRUE COPY OF THE FORWARDING ENDORSEMENT OF
SUPERINTENDENT OF POLICE, VIGILANCE AND ANTI-CORRUPTION
BUREAU, NORTHERN RANGE, KOZHIKODE HAVING NO.SC-10/2010
NRK6781/10/NRK DATED 31/8/2010.
- EXT.P7. TRUE COPY OF THE REPORT OF THE DIRECTOR OF VIGILANCE AND
ANTI-CORRUPTION BUREAU, THIRUVANANTHAPURAM HAVING
10/2010 NRK7179 /10/ DATED 14/9/2010.
- EXT.P8. TRUE COPY OF THE MEMO OF CHARGES ISSUED BY THE 2ND
RESPONDENT HAVING NO.KWA/JBE6(C)/13776/2010 DATED 27/1/2011
ISSUED TO THE PETITIONER
- EXT.P9. TRUE COPY OF THE STATEMENT SUBMITTED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT
- EXT.P10. TRUE COPY OF THE TRANSFER AND POSTING ORDER OF THE SR.
ADMINISTRATIVE OFFICER HAVING NO.KWA/HO/E9/2180/2004.
- EXT.P11. TRUE COPY OF THE TRANSFER AND POSTING ORDER NO.E1-2250/09
DATED 5/11/2011 ISSUED BY THE EXECUTIVE ENGINEER, KWA,
PROJECT DIVISION, MATTANNUR.
- EXT.P12. TRUE COPY OF THE ORDER NO.KWA/WSSDN/TPBA/E1-44/08 DATED
28/11/2011 ISSUED BY THE 4TH RESPONDENT
- EXT.P13. TRUE COPY OF THE ORDER NO.KWA/JB/E6(C)/13776/2010 DATED
11/5/2012 ISSUED BY THE 1ST RESPONDENT
- EXT.P14. TRUE COPY OF THE MEMO OF CHARGES ISSUED BY THE 2ND
RESPONDENT VIDE NO.KWA/JB/E6(C)/13776/1020 DATED 11/11/2013.

- EXT.P15. TRUE COPY OF THE EXPLANATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 7/12/2013.
- EXT.P16. TRUE COPY OF THE APPLICATION SUBMITTED BEFORE THE 4TH RESPONDENT UNDER RI ACT DATED 10/12/2013.
- EXT.P17. TRUE COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT VIDE NO.KWA/JB/E6(C)/13776/2010 DATED 9/6/2014.
- EXT.P18. TRUE COPY OF THE STATEMENT SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 23/8/2014.
- EXT.P19. TRUE COPY OF THE FORWARDING LETTER NO.KWA/JBIC/PTVM/ESTT/14 DTED 25/8/2014.
- EXT.P20. TRUE COPY OF THE IMPORTANT POINTS TO THE APPEAL MEMORANDUM FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 9/10/2014.
- EXT.P21. TRUE COPY OF THE RELEVANT PAGE OF THE DECISION REPORT DATED IN RAMANKUTTY WARRIER VS. STATE OF KERALA (1983 KLT 245).
- EXT.P22. TRUE COPY OF THE RELEVANT PAGE OF THE DECISION REPORT IN NANDAKUMAR VS. CHIEF CONSERVATOR OF FORESTS (2003 KHC 1246).
- EXT.P23. TRUE COPY OF THE DECISION REPORTED IN SAHADEVAN VS. STATE OF KERALA (1997 (2) KLT 150).

RESPONDENT(S)' EXHIBITS

NIL

// True copy //

PA to Judge

das

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 23434 of 2015

Dated this the 4th day of August, 2015

JUDGMENT

The petitioner, who is an LDC working under the respondent Water Authority, is aggrieved by a punishment imposed on him of barring of increment with cumulative effect. Against the order of imposing punishment, the petitioner has preferred Ext.P18 appeal before the 1st respondent. The limited prayer in the writ petition is for a direction to the 1st respondent to consider and pass orders on Ext.P18 appeal, expeditiously, after hearing the petitioner.

2. I have heard the learned counsel appearing for the petitioners as also 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, I dispose the writ petition with a direction to the 1st respondent to consider and pass orders on Ext.P18 appeal, after hearing the petitioner, at the earliest, and at any rate within a period of six weeks from the date of receipt of a copy of this judgment. The petitioner shall produce a copy of the writ petition together with a copy of this judgment before the 1st respondent, for further action.

Sd/-

A.K.JAYASANKARAN NAMBIAR
JUDGE