

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 12TH DAY OF JANUARY 2015/22ND POUSHA, 1936

WP(C).No. 27618 of 2014 (B)

PETITIONER :

**RUDRAN
S/O.N.GOPALAN, GOKULAM VEEDU, P.O. KONGANNUR
ATHOLI, KOILANDY TALUK, KOZHIKODE DIST.**

BY SRI. RUDRAN (PARTY-IN-PERSON)

RESPONDENT(S) :

- 1. SONIA
D/O.SREENIVASAN, ACCOUNTANT
KOOTALI GRAMA PANCHAYAT, P.O.MALAPARAMB, EWS 169
MALAPARAMBU HOUSING COLONY, KOZHIKODE DIST.
PIN - 673 009.**
- 2. ULLIYERI GRAMA PANCHAYAT
REPRESENTED BY SECRETARY, ULLIYERI, KOZHIKODE DIST.
PIN - 673 323.**
- 3. ATHOLI GRAMA PANCHAYAT
REPRESENTED BY SECRETARY,
ATHOLI P.O., KOZHIKODE DIST. - 673 315.**
- 4. DEPUTY DIRECTOR OF PANCHAYAT
CIVIL STATION P.O., KOZHIKODE - 673 001.**
- 5. LOCAL FUND DEPARTMENT
REPRESENTED BY AUDITOR, CIVIL STATION P.O.
KOZHIKODE - 673 001.**

**R1 BY SENIOR ADVOCATE SRI.P.VIJAYA BHANU
BY ADVS. SMT.M.M.DEEPA
SRI.AJEESH K.SASI
R2 BY ADVS. SRI.P.R.SREEJITH
SRI.M.PROMODH KUMAR
R3 BY ADVS. SRI.SANTHARAM P.
SMT.REKHA ARAVIND
R4 & R5 BY SR. GOVT. PLEADER SRI. K.C VINCENT**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

WP(C).No. 27618 of 2014 (B)

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT P1: TRUE COPY OF THE SHOW CAUSE NOTICE DATED 03/04/2010 ISSUED BY THE SECRETARY ATHOLI GRAMA PANCHAYAT TO THE 1ST RESPONDENT.

EXHIBIT P2: TRUE COPY OF THE LETTER ISSUED BY SECRETARY, ULLIYERI

EXHIBIT P3: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE DDP DATED 24/01/2014.

EXHIBIT P4: TRUE COPY OF THE RECEIPT ISSUED FROM THE OFFICE OF THE DEPUTY DIRECTOR OF PANCHAYAT.

EXHIBIT P5: TRUE COPY OF THE REPRESENTATION DATED 24/01/2014 TO DIRECTOR OF PANCHAYAT.

EXHIBIT P6: TRUE COPY OF THE RECEIPT ISSUED FROM THE DIRECTOR OF PANCHAYAT.

EXHIBIT P7: TRUE COPY OF COMPLAINT SUBMITTED TO THE VIGILANCE ANTI CORRUPTION BUREAU BY THE PETITIONER DATED 24/01/2014.

EXHIBIT P8: TRUE COPY OF THE RECEIPT ISSUED FOR EXHIBIT P7 COMPLAINANT.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 27618 of 2014

Dated this the 12th day of January, 2015

J U D G M E N T

The petitioner has approached this Court seeking for a direction to be given to the 5th respondent to conduct necessary enquiry against the 1st respondent and to take appropriate action against her in connection with the alleged misappropriation of funds.

2. The sequence of events narrated in the writ petition shows that, the 1st respondent is none other than the wife of the petitioner and that the marital bond in between seems to have been ruptured to a substantial extent. It is stated that, the petitioner was also working in the Local Self Government Department and retired from the service. The 1st respondent is still working. According to the petitioner, huge misappropriation has been committed by the 1st respondent/wife and this has been brought to the notice of the authorities concerned, but no action has been taken so far and hence the writ petition

3. Heard the learned counsel appearing for the 1st respondent, the learned counsel for the 2nd respondent and the

learned Government Pleader appearing for the respondents 4 & 5.

4. It is settled law that there cannot be any Public Interest Litigation, particularly, in connection with the service matter. This writ petition styled as a miscellaneous item, seeks for the relief which in no way affects or speaks about the nexus with the rights and liberties of the petitioner herein. Since the nature of relief sought for appears to be more in the realm of alleged Public Interest, this Court finds it difficult to entertain this writ petition. If any delinquency has been shown by the 1st respondent with regard to her service, no doubt, it has to be proceeded against by the employer/concerned authorities. It is always open for the concerned respondent to proceed against the delinquent employee in connection with the misconduct, if any, and this however cannot give rise to any course of action for the petitioner to prosecute this matter.

Accordingly, interference is declined and the writ petition is disposed of.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.