

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

WP(C).No. 27581 of 2015 (W)

PETITIONER :

**M.T.JOSEPH,
S/O.M.C.THOMAS, AGED 51 YEARS,
ASSISTANT SALES MAN (INCHARGE),
PADINJARE NADA SUPER MARKET, TALUK DEPOT,
KERALA STATE CIVIL SUPPLIES CORPORATION (SUPPLYCO),
CHENGANNUR P.O., ALAPPUZHA DISTRICT
(UNDER ORDER OF SUSPENSION),
RESIDING AT MALIYECKAL HOUSE, PANANGAD P.O.,
ERNAKULAM DISTRICT, PIN-682 506.**

**BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA
SRI.P.T.ABHILASH**

RESPONDENT(S):

- 1. KERALA STATE CIVIL SUPPLIES CORPORATION LIMITED (SUPPLYCO),,
GANDHI NAGAR, KADAVANTHRA, KOCHI-682 020,
REPRESENTED BY ITS MANAGING DIRECTOR.**
- 2. REGIONAL MANAGER,
KERALA STATE CIVIL SUPPLIES CORPORATION LIMITED (SUPPLYCO),,
GANDHI NAGAR, KADAVANTHRA, KOCHI-682 020.**
- 3. BIJU J.,
ASSISTANT SALES MANAGER, SUPPLYCO, SUPER MARKET,
CHENGANNUR (PADINJARE NADA), ALAPPUZHA DISTRICT,
PIN-689 121.**

**R1 & R2 BY ADVS. SRI.PAULCHAN ANTONY.P, SC
SMT.MOLLY JACOB,SC,SUPPLYCO**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 23-12-2015, ALONG WITH WPC.NO. 36217 OF 2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : TRUE COPY OF THE PROCEEDING DT. 10-3-2014 ISSUED BY THE ASSISTANT MANAGER, SUPPLYCO, CHENGANNUR.
- P2 : TRUE COPY OF THE REPRESENTATION DT. 10-3-2014 SUBMITTED BY THE PETITIONER BEFORE THE GENERAL MANAGER, KERALA STATE CIVIL SUPPLIES CORPORATION, GANDHI NAGAR, ERNAKULAM.
- P2(A) : TRUE COPY OF THE MEDICAL CERTIFICATE DT. 6-3-2014 ISSUED BY DR.M.CHANDRASEKHARAN NAIR, NAIR'S HOSPITAL, COCHIN.
- P3 : TRUE COPY OF THE PROCEEDING DT. 13-3-2014 ISSUED BY THE 2ND RESPONDENT.
- P4 : TRUE COPY OF THE RELEVANT PORTION OF PROVISIONS OF THE KERALA STATE CIVIL SUPPLIES CORPORATION SERVICE RULES 2005.
- P5 : TRUE COPY OF THE EXPLANATION DT. 5-4-2014 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT
- P6 : TRUE COPY OF THE MEMO OF CHARGES DT. 24-3-2014 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
- P7 : TRUE COPY OF THE MEMO OF CHARGES DT. 12-1-2015 ISSUED BY THE ADDITIONAL GENERAL MANAGER TO THE PETITIONER.
- P8 : TRUE COPY OF THE REPRESENTATION DT. 1-4-15 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- P9 : TRUE COPY OF THE REPRESENTATION DT. 10-8-2015 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS

- R1: COPY OF THE PROCEEDINGS OF REGIONAL MANAGER DATED 24/02/2014
- R1(A): COPY OF THE MEMO DATED 25/02/2014 CONFIRMING REPORTING DUTY BY RESPONDENT 3
- R1(B): COPY OF THE PROCEEDINGS OF ASST. MANAGER CHENGANNUR DETAILING THE PROCEDURE ON TAKING CHARGE.
- R1(C): COPY OF THE CIRCULAR 3/98 DATED 15/01/2008

WP(C).NO.27581/2015

R1(D): COPY OF THE AUDIT REPORT FOR THE PERIOD 01/04/2013 TO 08/03/2014

R1(E): COPY OF THE REPRESENTATION OF THE PETITIONER DATED 11/07/2014.

/TRUE COPY/

P.A.TO JUDGE

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K. VINOD CHANDRAN, J.

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**W.P.(C) Nos.27581 of 2015 - W and
36217 of 2015 - B**

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Dated this the 23rd day of December, 2015

J U D G M E N T

The identical petitioner in both the writ petition challenge the enquiry proceedings initiated against the petitioner. The petitioner in W.P.(C) No.27581 of 2015 challenge the continuance of suspension without concluding the enquiry proceedings.

2. The petitioner was suspended by Ext.P3 order dated 13.03.2014. The charge sheets were also issued as indicated in Exts.P6 and P7 dated 24.03.2014 and 12.01.2015 respectively. The petitioner by the writ petition filed on 11.09.2015 challenged his continued suspension.

3. While the said writ petition was

pending, the petitioner was issued with Ext.P10 proceedings produced and challenged in W.P.(C) No.36217 of 2015. The enquiry is said to have been concluded and the petitioner mulcted with liability. The petitioner urges that he was not given a proper opportunity to defend his case at the enquiry. The learned Standing Counsel for the respondent Corporation also submits that as of now, the Head Officer has specifically instructed the Enquiry Office to conduct fresh enquiry, affording an opportunity of hearing to the petitioner to defend his case.

4. In such circumstance, the petitioner shall appear before the enquiry officer on 06.01.2016 and the enquiry officer shall post the enquiry to a near date, within one week and shall expedite the matter and conclude it within two months from the date of first posting. If the

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enquiry is not concluded within that period, the petitioner shall be reinstated in service, but however, at any place at the discretion of the respondent Corporation and the respondent Corporation would also be reserved the liberty to proceed with the enquiry and bring it to its logical conclusion.

On the aforesaid findings, the writ petitions are disposed of. No costs.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB/23/12/2015

// true copy //

P.A to Judge.