

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

WP(C).No. 27963 of 2014 (U)

PETITIONER(S):

1. SUBHASH.R. AGED 42 YEARS
S/O.P. RAJAMMA, PADMALAYAM, PUZHAVATHU
CHANGANCHERRY, PIN-686 101.
2. P.K.MUHAMMED ASHARAF AGED 45 YEARS
S/O.AYAMU, PACHERIKUTH HOUSE, PALATHODE P.O.
PERINTHALMANNA, PIN-679 340.
3. SURESH BABU V.P.AGED 44 YEARS
S/O.PANKU, VETTIKATTUPARAMBIL, ELAD P.O.
PERINTHALMANNA, MALAPPURAM DISTRICT-679 340.

BY ADVS.SRI.RAJ MOHAN R.PILLAI
SRI.RAVI KRISHNAN

RESPONDENT(S):

1. KERALA STATE ELECTRICITY BOARD
VYDHUTHI BHAVANAM, PATTOM PALACE P.O.
THIRUVANANTHAPURAM
REPRESENTED BY ITS CHAIRMAN-695 007.
2. THE CHIEF ENGINEER (HRM)
KERALA STATE ELECTRICITY BOARD, VYDHUTHI BHAVANAM
PATTOM PALACE P.O., THIRUVANANTHAPURAM
REPRESENTED BY ITS CHAIRMAN-695 007.
3. THE SUB INSPECTOR OF POLICE
PERINTHALMANNA POLICE STATION
MALAPPURAM DISTRICT-679 322.

Addl.4. DEPUTY SUPERINTEND OF POLICE
VIGILANCE AND ANTI-CORRUPTION BUREAU
KOTAPPADY JUNCTION, MALAPPURAM, MALAPPURAM DISTRICT.ADDL.R4
IMPLEADED AS PER ORDER DATED 08.01.2015 IN IA 16297/14.

R BY GOVERNMENT PLEADER : SRI M A FAYAZ SR.
R BY SRI.K.S.ANIL, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS:

EXT.P1.TRUE COPY OF THE PROCEEDINGS NO.VIG/B15750/05/590 DATED
10/3/2014 OF THE 1ST RESPONDENT

RESPONDENT(S) ' EXHIBITS:NIL

True Copy/

P A to Judge

A.MUHAMED MUSTAQUE, J.
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W.P(C).No.27963 of 2014
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Dated this the 06th day of February, 2015

JUDGMENT

Petitioners have approached this Court seeking a direction to implement Ext.P1 order passed by the first respondent Kerala State Electricity Board. By Ext.P1 proceeding, Chairman and Managing Director ordered that suspended period of the petitioners shall be regularized. This order was passed on 10.03.2014. Petitioners submit that in spite of such order, no action has been taken to implement the same. Petitioners submit that in the disciplinary proceedings, petitioners have been exonerated. Accordingly, petitioners approached this Court.

2. The Board, it seems has not taken any action for the reason of pendency of criminal case.

3. Learned Government Pleader on instruction submits that on investigation by the Vigilance Department, it was found that no crime is made out against the petitioners and the matter is sent back to the Crime Detachment Department of Police.

4. In this matter, on enquiry it seems vigilance department found that no case is made out against the petitioners and no case is sustainable against the petitioners under the provisions of the

Prevention of Corruption Act, 1947.

5. In the light of the decision taken by the Chairman and Managing Director, petitioners suspension period shall be regularized. However, interest of the Board is also required to be safeguarded. There is no impediment in regularization of suspension period subject to outcome of any criminal case. If petitioners are found guilty of any offence, department is free to take appropriate action against the petitioners. Needful shall be done within a period of six weeks from the date of receipt of a copy of this judgment.

The Writ Petition is disposed of.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.