

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

WP(C).No. 29060 of 2015 (F)

PETITIONER:

**NIKHIL N.K., AGED 36 YEARS,
S/O.NEELAKANDAN NAIR, RESIDING AT
PLAVILA VEEDU, MAMMAM,
CHITTANIKKARA DESOM, KIZHUVILLAM VILLAGE,
TRIVANDRUM DISTRICT.**

**BY ADVS.SRI.V.B.NARAYANAN
SRI.M.P.HARIKUMARAN PILLAI
SRI.C.SIVADAS**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY HOME AFFAIRS,
GOVERNMENT OF KERALA, TRIVANDRUM, PIN - 695 001.**
- 2. SUPERINTENDANT OF POLICE,
DISTRICT POLICE CHIEF, TRIVANDRUM RURAL,
TRIVANDRUM, PIN - 695 001.**
- 3. SUB INSPECTOR OF POLICE,
ATTINGAL POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONERS' EXHIBITS:

- EXT. P1 : TRUE COPY OF MEDICAL CERTIFICATE ISSUED BY
DR.V.P.GANGADHARAN DATED 8.5.2014.
- EXT. P2 : TRUE COPY OF SUSPENSION ORDER DATED 12.2.2015 ISSUED BY
AIRPORT AUTHORITY OF INDIA.
- EXT. P3 : TRUE COPY OF LETTER SENT BY AIRPORT AUTHORITY OF INDIA TO
THE SECOND RESPONDENT 8.7.2015.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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B.KEMAL PASHA, J.

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W.P.(C).No.29060 of 2015

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Dated this the 12th day of October, 2015

J U D G M E N T

In the present matter, it has been reported that the investigation is over and Final Report has already been filed. Through Exhibit P3, the Airport Director has sought for the views of the investigating officer to finalize the question of suspension of the petitioner.

2. In a case wherein a Final Report has not been filed and investigation is going on, of course the Airport Director could have called for the views of the investigating officer to finalize the disciplinary proceedings. At the same time, when the investigating officer has formed an opinion and has filed a Final Report which reflects his opinion, the investigating officer cannot again be called upon to offer his views in the matter. It is for the court to take views in the matter.

With the said observations, this Writ Petition (Civil) is closed.

Sd/-

**B.KEMAL PASHA
JUDGE**

DSV/12/10/15

// True Copy //

P.A. To Judge