

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

WEDNESDAY, THE 21ST DAY OF NOVEMBER 2015/30TH KARTHIKA, 1937

WP(C).No. 29397 of 2014 (Y)

PETITIONER(S):

**S.SHAJI
S/O K. SOMANATHAN, RESIDING AT DARSANA T.C 30/1343,
AMBALATHUMUKKU, PETTAH P.O,
THIRUVANANTHAPURAM 695 024
WORKING AT JUNIOR ENGINEER
REGISTERED OFFICE AT BLOCK, 4TH FLOOR, CIVIL STATION
KUDAPPANKUNNU P.O
THIRUVANANTHAPURAM (UNDER SUSPENSION)**

BY ADV. SRI.AYYAPPAN SANKAR

RESPONDENT(S):

- 1. DISTRICT NIRMITHI KENDRA, THIRUVANANTHAPURAM
A REGISTERED CHARITABLE SOCIETY HAVING REGISTERED OFFICE
AT B BLOCK 4TH FLOOR
CIVIL STATION, KUDAPPANAKUNNU P.O
THIRUVANANTHAPURAM 695 043
REPRESENTED BY ITS CHAIRMAN,
THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM**
- 2. THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM, EX OFFICIO CHAIRMAN,
DISTRICT NIRMITHI KENDRA, B BLOCK 4TH FLOOR
CIVIL STATION, KUDAPPANAKUNNU P.O
THIRUVANANTHAPURAM 695 043**
- 3. THE SUB COLLECTOR,
EX OFFICIO MEMBER SECRETARY, DISTRICT NIRMITHI KENDRA
B BLOCK, 4TH FLOOR, CIVIL STATION, KUDAPPANAKUNNU P.O
THIRUVANANTHAPURAM 695 043**

R1 BY ADVS. SRI.K.JAJU BABU (SR.)

SMT.M.U.VIJAYALAKSHMI

R BY GOVERNMENT PLEADER ADV.SRI.REJI JOSEPH

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
28-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1:- TRUE PHOTOCOPY OF THE APPOINTMENT ORDER DATED 04-11-1997 ISSUED BY THE 1ST RESPONDENT
- EXHIBIT P2:- TRUE PHOTOCOPY OF THE MINUTES OF EXECUTIVE COMMITTEE MEETING OF THE 1ST RESPONDENT HELD ON 23-06-2000
- EXHIBIT P3:- TRUE PHOTOCOPY OF THE RELEVANT PAGES OF THE GUIDELINES AND DELEGATION OF POWER OF 1ST RESPONDENT SOCIETY
- EXHIBIT P4:- TRUE PHOTOCOPY OF THE MINUTES OF MEETING OF EMPLOYEES CALLED BY THE 2ND RESPONDENT ON 13-05-2013
- EXHIBIT P5:- TRUE PHOTOCOPY OF THE SHOW CAUSE NOTICE ISSUED BY THE 2ND RESPONDENT ON 24-09-2013
- EXHIBIT P6:- TRUE PHOTOCOPY OF THE HEARING NOTICE DATED 24-10-2013
- EXHIBIT P7:- TRUE PHOTOCOPY OF THE HEARING NOTICE DATED 07-11-2013
- EXHIBIT P8:- TRUE PHOTOCOPY OF THE SUSPENSION ORDER DATED 28-01-2014 ISSUED BY THE 2ND RESPONDENT
- EXHIBIT P9:- TRUE PHOTOCOPY OF THE NOTICE DATED 14-02-2014 ISSUED BY THE 2ND RESPONDENT ASKING THE PETITIONER TO APPEAR FOR HEARING ON 28-02-2014
- EXHIBIT P10:- TRUE PHOTOCOPY OF THE JUDGMENT DATED 18-03-2014 IN W.P.(C) NO 5671/2014
- EXHIBIT P11:- TRUE PHOTOCOPY OF THE CONFIRMATION OF THE SUSPENSION ORDER DATED 21-07-2014 ISSUED BY THE 2ND RESPONDENT
- EXHIBIT P12:- TRUE PHOTOCOPY OF THE CHARGE MEMO DATED 22-07-2014
- EXHIBIT P13:- TRUE PHOTOCOPY OF THE STATEMENT OF ALLEGATIONS DATED 22-07-2014
- EXHIBIT P14:- TRUE PHOTOCOPY OF THE JUDGMENT DATED 04-08-2014 IN CONT. CASE (C) NO 737/2014
- EXHIBIT P15:- TRUE PHOTOCOPY OF THE ACKNOWLEDGMENT RECEIPT DATED 08-08-2014
- EXHIBIT P15:-(A) TRUE PHOTOCOPY OF THE ACKNOWLEDGMENT RECEIPT DATED 11-08-2014
- EXHIBIT P16:- TRUE PHOTOCOPY OF THE SAID NOTICE DATED 21-10-2014 ISSUED BY THE 3RD RESPONDENT

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RESPONDENT(S)' EXHIBITS

**EXHIBIT R1(A):- COPY OF THE LETTER NO.G-1073/2014 DATED 26.02.2014
ISSUED BY THE DISTRICT MEDICAL OFFICER,
THIRUVANANTHAPURAM.**

**EXHIBIT R1(B):- COPY OF THE ENQUIRY REPORT OF THE FINANCE OFFICER,
COLLECTORATE.**

**EXHIBIT R1(C):- COPY OF THE ENQUIRY REPORT OF THE SUB COLLECTOR
DATED 26.06.2015.**

//TRUE COPY//

P.A. TO JUDGE

AVS

ANIL.K.NARENDRAAN,J
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W.P(C).No.29397 Of 2014
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Dated this the 28th Day of October, 2015

J U D G M E N T

The petitioner, who was working as a Junior Engineer in Nirmithi Kendra, has filed this Writ Petition seeking a writ of certiorari to quash Ext.P11 order of suspension and seeking a writ of mandamus commanding the 2nd respondent to grant subsistence allowance as per rules with effect from 28-01-2014, the date of Ext.P8 order of suspension, together with arrears.

2. Today when the case was taken up for final hearing, the learned Standing Counsel for the 1st respondent-Nirmithi Kendra, would submit that the petitioner has already been reinstated in service after revoking Ext.P11 order of suspension and that he has also been disbursed with subsistence allowance as per rules. The learned Standing Counsel would also point out that disciplinary proceedings are now pending against the petitioner.

Since the grievance of the petitioner has already been redressed by his reinstatement in service and payment of

subsistence allowance as per rules, nothing survives in this Writ Petition. In the result, this Writ Petition is dismissed leaving open all the contentions raised both sides.

Sd/-
ANIL.K.NARENDRAN,
JUDGE

AVS