

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

WP(C).No. 29305 of 2015 (K)

PETITIONER(S):

**MRS. TRESSA C.R, AGED 47 YEARS
CHAMBADYPARAMBIL, BOLGATTY, MULAVUKADU P.O.
KOCHI.**

**BY ADVS.SRI.R.LAKSHMI NARAYAN
SMT.R.RANJINI
SRI.M.ASHOK KINI**

RESPONDENT(S):

- 1. MAHATMA GANDHI UNIVERSITY
KOTTAYAM REPRESENTED BY ITS REGISTRAR, PIN-686 001.**
- 2. THE ALL INDIA COUNCIL FOR TECHNICAL EDUCATION
7TH FLOOR, CHANDER LOK BUILDING, JANPATT
NEW DELHI-110 001, REPRESENTED BY ITS CHAIRMAN**
- 3. ALBERTIAN INSTITUTION OF MANAGEMENT
ST.ALBERT COLLEGE, BANERJI ROAD, ERNAKULAM
KOCHI-682 031, REPRESENTED BY THE MANAGER**
- 4. FATHER ANTONY ARAKKAL
MANAGER
ALBERTIAN INSTITUTION OF MANAGEMENT ST.ALBERT COLLEGE
BANERJI ROAD, ERNAKULAM, KOCHI-682 031**
- 5. THE PRINCIPAL
ALBERTIAN INSTITUTION OF MANAGEMENT ST.ALBERTS COLLEGE
BANERJI ROAD, ERNAKULAM, KOCHI-682 031**

**Addl.6. STATE OF KERALA
REP. BY THE SECRETARY TO GOVERNMENT
HIGHER EDUCATION DEPARTMENT
THIRUVANANTHAPURAM - 695 001.**

(ADDL.R6 IS IMPEADED AS PER ORDER DATED 28.10.2015 IN IA 14699/15)

**R2 BY ADV. SRI.S.KRISHNAMURTHY,SC, AICTE
R3,R 4,R 5 BY ADV. SRI.P.GEORGE WILLIAM
R BY SRI.VARUGHESE M.EASO, SC, M.G.UNIVERSITY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONERS EXHIBITS:

- EXT.P1 COPY OF PAY SLIP DTD. 25.8.15
- EXT.P2 COPY OF THE ANNUAL STATEMENT OF ACCOUNT FOR THE YEAR 2012-13.
- EXT.P3 COPY OF REPRESENTATION SUBMITTED BEFORE THE 1ST RESPONDENT.
- EXT.P4 COPY OF THE REPRESENTATION SUBMITTED BEFORE THE GOVT.

RESPONDENTS EXHIBITS:

- EXT.R3(A) COPY OF LETTER NO. AIM/SALARY/115A DTD. 29.9.15 TO THE MANAGER , THE SOUTH INDIAN BANK LTD. ALONG WITH THE LIST OF STAFF SALARY OF THE PETITIONER TRESSA C.R
- EXT.R3(B0) COPY OF PAY SLIP OF THE PETITIONER FOR THE MONTH OF SEPTEMBER, 2015.
- EXT.R3(C) COPY OF THE DUTY LIST GIVEN TO THE PETITIONER AND ACKNOWLEDGED BY HER BY PUTTING HER SIGNATURE
- EXT.R3(D) COPY OF THE DETAILS OF THE PUNCHING MACHINE SHOWING MONTHLY DETAILED ATTENDANCE REPORT OF THE PETITIONER FOR THE MONTH OF MARCH, 2015
- EXT.R3(E) COPY OF THE DETAILS OF THE PUNCHING MACHINE SHOWING MONTHLY DETAILED ATTENDANCE REPORT OF THE PETITIONER FOR THE MONTH OF APRIL, 2015
- EXT.R3(F) COPY OF THE DETAILS OF THE PUNCHING MACHINE SHOWING MONTHLY DETAILED ATTENDANCE REPORT OF THE PETITIONER FOR THE MONTH OF MAY, 2015
- EXT.R3(G) COPY OF THE DETAILS OF THE PUNCHING MACHINE SHOWING MONTHLY DETAILED ATTENDANCE REPORT OF THE PETITIONER FOR THE MONTH OF JUNE, 2015
- EXT.R3(H) COPY OF THE DETAILS OF THE PUNCHING MACHINE SHOWING MONTHLY DETAILED ATTENDANCE REPORT OF THE PETITIONER FOR THE MONTH OF JULY, 2015
- EXT.R3(I) COPY OF THE DETAILS OF THE PUNCHING MACHINE SHOWING MONTHLY DETAILED ATTENDANCE REPORT OF THE PETITIONER FOR THE MONTH OF AUGUST, 2015

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EXT.R3(J) COPY OF THE DETAILS OF THE PUNCHING MACHINE SHOWING
MONTHLY DETAILED ATTENDANCE REPORT OF THE PETITIONER FOR
THE MONTH OF SEPTEMBER, 2015

EXT.R3(K) COPY OF THE MONTHLY ATTENDANCE REPORT OF THE PETITIONER
FOR THE MONTH OF JANUARY 2014

EXT.3R(L) COPY OF THE MONTHLY ATTENDANCE REPORT OF THE PETITIONER
FOR THE MONTH OF FEBRUARY 2014

EXT.R3(M) COPY OF THE MONTHLY ATTENDANCE REPORT OF THE PETITIONER
FOR THE MONTH OF MARCH 2014

// TRUE COPY //

P.A TO JUDGE

SB

K. VINOD CHANDRAN, J.

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W.P.(C) No.29305 of 2015 - K

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Dated this the 4th day of November, 2015

J U D G M E N T

The learned Counsel for the respondent submits on instruction that the petitioner has been consistently late in coming for duty and she has been warned several times. It is submitted that there was no oral termination effected and when she was not present, even the Administrative Officer called her over the telephone, asking her to report for duty. The petitioner denies the same.

2. In any event, the Management now submits that they are willing to take her back in employment. But, however, on the ground of continued delayed reporting for duty, they have an apprehension, whether she could be continued. If at all there is an allegation against the petitioner, the Management will

be free to take disciplinary action against the petitioner.

In such circumstance, the writ petition would stand closed recording the undertaking of the Management and it is made clear that this Court has not considered the maintainability of the writ petition at all and has merely closed it on the submission of the counsel.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB/06/11/2015

// true copy //

P.A to Judge.