

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

WP(C).No. 29471 of 2015 (S)

PETITIONER(S) :-

CHARLY P.D., AGED 43 YEARS
S/O.DEVASIA, PALLICKAL HOUSE, LABBAKANDAM
KUMILY, IDUKKY DISTRICT

BY ADV. SRI.V.N.RAMESAN NAMBISAN

RESPONDENT(S) :-

1. THE MANAGING DIRECTOR,
KERALA TOURISM DEVELOPMENT CORPORATION
THIRUVANANTHAPURAM, PIN - 695 001.
2. STATE OF KERALA
REPRESENTED BY THE SECRETARY, DEPARTMENT OF TOURISM
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001
3. STATE OF KERALA
REPRESENTED BY THE SECRETARY, DEPARTMENT OF FINANCE
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001
4. THE DIRECTOR
VIGILANCE AND ANTI CORRUPTION BUREAU
THIRUVANANTHAPURAM, PIN - 695 001.

R1 BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL, SC, KTDC
BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 29-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

jvt

WP(C) .No. 29471 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1:TRUE COPY OF THE REPORT OF ENQUIRY CONDUCTED BY
INSPECTION WING OF THE 3RD RESPONDENT DEPARTMENT OF FINANCE,
GOVERNMENT OF KERALA AND ITS ENGLISH TRANSLATION.

EXT.P2:TRUE COPY OF THE REPLY DATED 14.08.2014 RECEIVED FROM
1ST RESPONDENT TO THE LETTER SENT BY THE PETITIONER AND ITS
ENGLISH TRANSLATION.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.P.(C) No.29471 of 2015

Dated this the 29th day of September 2015

J U D G M E N T

Shaffique, J.

The petitioner has approached this Court by filing this public interest litigation alleging that despite Ext.P1 report being submitted by the Deputy Secretary of the Finance Department, no action had been taken by the Government in the matter so far. It is stated that there is large scale manipulations in the payment of wages as well as in the charges being levied, ticket selling, maintenance of boat etc. The petitioner submits that he had obtained certain information under the Right to Information Act on 14.8.2014, by which, it was stated that proceedings are not yet completed on the basis of the said report. According to the petitioner, no action had been taken by the governmental authorities, despite such glaring manipulations being effected by the persons involved in the matter and therefore, appropriate direction may be issued to the respondents to take action pursuant to Ext.P1, including disciplinary action.

2. Ext.P1, apparently, is a report prepared by the Finance Department on the basis of an inspection conducted in the Lake

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Palace, Thekkady, owned by the Kerala Tourism Development Corporation. The said report has to be considered by the Government at various levels and it is for the Government to take necessary action in accordance with law. The said report seems to be filed in the year 2014 and therefore, appropriate time is required for the Government to take into consideration all factual situations including the nature of irregularities. This Court cannot monitor the action to be taken by the Government based on the aforesaid report. Since the issue involved is with regard to taking disciplinary action against certain employees, there is no public interest involved in the matter.

Under such circumstances, we do not think that this writ petition can be entertained as a public interest litigation. Accordingly we close the writ petition.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE