

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN**

**WEDNESDAY, THE 21ST DAY OF OCTOBER 2015/29TH ASWINA, 1937**

**WP(C).No. 31022 of 2015 (C)**  
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**PETITIONER(S):**  
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**N.R.DILEEP KUMAR  
NEDUMTHURUTHIL, KALAMPOOR, PIRAVAM  
ERNAKULAM.**

**BY ADVS.SRI.M.P.SREEKRISHNAN  
SMT.M.H.BINDU**

**RESPONDENT(S):**  
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- 1. THE COCHIN DEVASWOM BOARD  
REPRESENTED BY ITS SECRETARY  
OFFICE OF THE COCHIN DEVASWOM BOARD  
THRISSUR - 680 020.**
  - 2. THE DEVASWOM OFFICER  
RAVIPURAM DEVASWOM, ERNAKULAM 682 016.**
  - 3. DEVASWOM ASSISTANT COMMISSIONER  
THRIPUNITHURA GROUP, COCHIN DEVASWOM BOARD  
THRIPUNITHURA - 682 031.**
  - 4. THE SPECIAL DEVASWOM COMMISSIONER  
COCHIN DEVASWOM BOARD  
OFFICE OF THE COCHIN DEVASWOM BOARD THRISSUR - 680 020.**
- R1 -R 3 BY ADV. SRI.G.RAJAGOPAL, SC, COCHIN DEVASWOM BOARD  
R BY SRI.KRISHNA MENON, SC, COCHIN DEVASWOM BOARD**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 21-10-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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- EXT. P1 -     A TRUE COPY OF THE MEMO DATED 14.8.2015**
- EXT. P2 -     A TRUE COPY OF THE REPLY DATED 14.8.2015**
- EXT. P3 -     A TRUE COPY OF THE PROCEEDINGS OF THE 4TH RESPONDENT  
DATED 30.8.2014**
- EXT. P4 -     A TRUE COPY OF THE APPLICATION DATED 24.8.2015**
- EXT. P5 -     A TRUE COPY OF THE REPRESENTATION DATED 30.9.2015  
SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.**
- EXT. P6 -     A TRUE COPY OF THE REPRESENTATION DATED 23.4.2015**

**RESPONDENT(S)' EXHIBITS:**  
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- EXT.R1(A)    COPY OF THE LETTER DTD. 20.8.15 ISSUED BY THE 2ND  
RESPONDENT TO THE 3RD RESPONDENT.**
- EXT.R1(B)    COPY OF THE ORDER NO. M3/97/2015 DTD. 18.9.15 OF THE 3RD  
RESPONDENT.**
- EXT.R1(C)    COPY OF THE LETTER DTD. 26.8.15 ISSUED BY THE 2ND  
RESPONDENT TO THE 3RD RESPONDENT.**

**// TRUE COPY //**

**PA TO JUDGE**

**SB**

**K. VINOD CHANDRAN, J.**

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**Dated this the 21<sup>st</sup> day of October, 2015**

**J U D G M E N T**

The petitioner is aggrieved with the fact that he had been kept away from duty by an oral instruction. Allegations and counter allegations are made as to the incident, which had led to the petitioner being kept out of duty. It may not be proper for this Court, at this stage, to go into such allegations. But the fact remains that the petitioner has been not issued with any order and he was merely instructed not to come for duty.

2. The learned Counsel for the petitioner also refers to Rule 122(2) of the Travancore Cochin Hindu Religious Institutions Act and Rules, 1950 part-IV, wherein, there is a specific stipulation that, if any charge of misconduct is alleged against an

employee, then necessarily, the charges have to be communicated to the delinquent employee. In the present case, the petitioner has been issued with a show cause notice at Ext.P1, for which Ext.P2 reply was also made. However, obviously the petitioner was not suspended by a written order nor is such suspension evident from Ext.P1 order.

3. The learned Counsel for the Devaswom Board submits that in fact it was known to both the Board and employee that the petitioner was kept away from duty only with respect to the incident, for which an explanation was sought for at Ext.P1. However, neither a charge sheet was issued nor an order of suspension made.

4. In such circumstance, the petitioner has to be immediately taken back to employment. The Devaswom Board would be entitled to proceed with any enquiry if so advised. However, the petitioner shall be entitled to the entire salary and

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allowances during the period when he was kept out of service.

The writ petition would stand allowed with the above reservation. No costs.

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

SB/21 /10 /2015

// true copy //

P.A to Judge.