

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

WP(C).No. 31756 of 2015 (T)

PETITIONER:

**V.C.LALGI AGED 57 YEARS, ASSISTANT ENGINEER,
STATE WAREHOUSE, KASARGODE,
RESIDING AT VELLOOR HOUSE, VANDANAM P.O., ALAPPUZHA.**

**BY ADVS.SRI.P.SANTHALINGAM (SR.)
SMT.S.SINDHU
SRI.S.SHARAN
SRI.A.D.SHAJAN**

RESPONDENTS:

- 1. MANAGING DIRECTOR, KERALA STATE WAREHOUSING CORPORATION
P.B. NO.1727, ERNAKULAM -16.**
- 2. SHRI. G. MOHANDAS, CHAIRMAN,
KERALA STATE WAREHOUSING CORPORATION,
HEAD OFFICE, WARE HOUSING CORPORATION ROAD,
NEAR SOUTH RAILWAY STATION, ERNAKULAM - 16.**
- 3. SMT. ELIZABETH KURIAN, EXECUTING ENGINEER-II
O/O. THE KEARLA STATE WAREHOUSING CORPORATION,
P.B. NO.1727, ERNAKULAM - 16.**
- 4. KERALA STATE WAREHOUSING CORPORATION,
P.B. NO.1727, COCHIN - 16,
REP. BY THE MANAGING DIRECTOR**

BY SRI.M.GOPIKRISHNAN NAMBIAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
19-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- P1 : TRUE COPY OF THE LETTER DATED 10.2.2014 ISSUED BY THE 3RD RESPONDENT AS DICTATED BY 2ND RESPONDENT TO THE PETITIONER
- P2 : TRUE COPY OF THE REPLY DATED 13.2.2014 SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT
- P3 : TRUE COPY OF THE ORDER NO.G.O.(MS) nO. 45/2013/PLG. DATED 9.9.2013 OF THE PLANNING AND ECONOMIC AFFAIRS DEPARTMENT OF GOVERNMENT OF KERALA
- P4 : TRUE COPY OF THE APPLICATION UNDER RTI ACT DATED 16.2.2015 SUBMITTED BY THE PETITIONER TO THE CORPORATION
- P5 : TRUE COPY OF THE REPLY DATED 18.3.2015 ISSUED BY THE PUBLIC INFORMATION OFFICER, KERALA STATE WAREHOUSING CORPORATION TO THE PETITIONER
- P6 : TRUE COPY OF THE MEETING HELD ON 23.4.2015 OF THE MINUTES OF 214TH EXECUTIVE COMMITTEE MEETING OF KERALA STATE WAREHOUSING CORPORATION
- P7 : TRUE COPY OF THE APPLICATION DATED 23.3.2015 UNDER THE RIGHT TO INFORMATION ACT ONE SUBMITTED BY ONE MR. ANILKUMAR
- P8 : TRUE COPY OF THE REPLY DATED 9.9.2015 ISSUED BY THE PUBLIC INFORMATION OFFICER TO MR.ANILKUMAR
- P9 : TRUE COPY OF THE NOTE DATED 21.2.2014 PUT UP BY THE EXECUTIVE ENGINEER TOGETHER WITH THE ENDORSEMENT OF THE M.D. AND ADMINISTRATIVE SECTION
- P10 : TRUE COPY OF THE SHOW CAUSE NOTICE DATED 9.2.2015 ISSUED BY 1ST RESPONDENT TO THE PETITIONER
- P11 : TRUE COPY OF THE EXPLANATION DATED 20.2.2015 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT
- P12 : TRUE COPY OF THE INFORMATION DATED 20.3.2015 FURNISHED TO THE PETITIONER UNDER THE RTI ACT WITH THE ENDORSEMENT OF THE ASST. EXE. ENGINEER, EXE. ENGINEER AND M.D.
- P13 : TRUE COPY OF THE REPORT DATED 29.5.2014 SUBMITTED BY THE VIGILANCE OFFICER TO THE 1ST RESPONDENT
- P14 : TRUE COPY OF THE SUSPENSION ORDER DATED 21.3.2015 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER

- P15 : TRUE COPY OF THE MEMO OF CHARGES DATED 22.5.2015 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER
- P16 : TRUE COPY OF THE STATEMENT OF ALLEGATION DATED 22.5.2015 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER
- P17 : TRUE COPY OF THE OBJECTION ON 11.6.2015 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT
- P18 : TRUE COPY OF THE STATEMENT DATED 20.5.2014 SUBMITTED BY THE OVERSEER BEFORE THE INTERNAL VIGILANCE OFFICER, SHRI. K.N. GIREESH
- P19 : TRUE COPY OF THE STATEMENT DATED 3.5.2014 SUBMITTED BY THE SENIOR ASSISTANT MANAGER BEFORE THE INTERNAL VIGILANCE OFFICER, SHRI.K.N. GIREESH
- P20 : TRUE COPY OF THE STATEMENT DATED 3.5.2014 SUBMITTED BY THE ASST. ENGINEER BEFORE THE INTERNAL VIGILANCE OFFICER, SHRI.K.N. GIREESH
- P21 : TRUE COPY OF THE EXTRACT OF THE PWD MANUAL ENUMERATING THE DUTIES OF THE OVERSEER
- P22 : TRUE COPY OF THE OBJECTION DATED 4.8.2015 SUBMITTED BY THE PETITIONER BEFORE SMT.MEERA SIDHARTH, INQUIRY OFFICER
- P23 : TRUE COPY OF THE PROCEEDINGS OF THE ENQUIRY OFFICER DATED 19.9.2015

//TRUE COPY//

P.A. TO JUDGE

JJJ

K. VINOD CHANDRAN, J.

W.P.(C) No. 31756 of 2015 (T)

Dated this the 19th day of October, 2015

J U D G M E N T

The petitioner is aggrieved by the fact that an enquiry ordered into the mis-conduct alleged against him has been abruptly closed by the Enquiry Officer at Ext.P23 and directed that a vigilance enquiry be initiated.

2. The Enquiry Officer, appointed by the management to conduct a disciplinary enquiry against the allegations alleged against an employee, has absolutely no authority to make any such recommendation to refer the matter for a vigilance enquiry.

3. In such circumstance, the Managing Director would have to appoint another Enquiry Officer and proceed with the matter in accordance with law. It is also submitted that the matter is already before the Managing Director.

Hence, the Managing Director would proceed in accordance with law, however, with notice to the petitioner.

Writ Petition is allowed.

Sd/-
K.VINOD CHANDRAN,
JUDGE