

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

WP(C).No. 31768 of 2015 (U)

PETITIONER:

**T.AJITH KUMAR, AGED 48 YEARS
SENIOR ASSISTANT -I (UNDER SUSPENSION)
SUPPLYCO SUPER MARKET
SREEKARIYAM, THIRUVANANTHAPURAM
RESIDING AT SANDHYA MALAR, TC 19/1894
KESAVAN NAIR ROAD, POOJAPPURA, THIRUVANANTHAPURAM.**

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS:

- 1. KERALA STATE CIVIL SUPPLIES CORPORATION LTD.
P.B.NO.2030, MAVELI BHVAN, MAVELI ROAD
GANDHI NAGAR, KOCHI-682 020
REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR.**
- 2. CHAIRMAN AND MANAGING DIRECTOR.
KERALA STATE CIVIL SUPPLIES CORPORATION LTD., P.B.NO.2030
MAVELI BHVAN, MAVELI ROAD, GANDHI NAGAR
KOCHI-682 020.**
- 3. THE ADDITIONAL GENERAL MANAGER (P & A)
KERALA STATE CIVIL SUPPLIES CORPORATION LTD, P.B.NO.2030
MAVELI BHVAN, MAVELI ROAD, GANDHI NAGAR
KOCHI-682 020.**
- 4. THE REGIONAL MANAGER
THIRUVANANTHAPURAM
KERALA STATE CIVIL SUPPLIES CORPORATION LTD.
REGIONAL OFFICE, MAVELI TOWER, SISUVIHAR ROAD
SASTHAMANGALAM P.O., THIRUVANANTHAPURAM.**

BY SMT.MOLLY JACOB, SC, SUPPLYCO

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
28-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 - COPY OF THE ORDER NO.T9-4353/14 DATED 29/09/2014 OF THE
4TH RESPONDENT.

- EXT.P2 - COPY OF DEMAND NOTICE NO.LAW7.32972/14 DATED
19/11/2014 ISSUED TO THE PETITIONER BY THE MANAGER
(AUDIT & INSPECTION).

- EXT.P3 - COPY OF THE WRITTEN STATEMENT SUBMITTED BY THE
PETITIONER BEFORE THE MANAGER (AUDIT & INSPECTION)
DATED 08/12/2014.

- EXT.P4 - COPY OF THE MEMO OF CHARGES NO.D21-28575/14(1) DATED
23/01/2015 ISSUED BY THE 3RD RESPONDENT TO THE
PETITIONER.

- EXT.P5 - COPY OF THE WRITTEN STATEMENT DEFENCE DATED
20/03/2015 SUBMITTED BY THE PETITIONER BEFORE THE
3RD RESPONDENT.

- EXT.P6 - COPY OF THE ORDER NO.T9-2379/15(2) DATED 07/08/2015 OF
THE 4TH RESPONDENT.

- EXT.P7 - COPY OF THE APPEAL FILED BY THE PETITIONER DATED
18/09/2015 BEFORE THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS:- NIL

//TRUE COPY//

P.A. TO JUDGE

sp

K. VINOD CHANDRAN, J.

W.P(C). No.31768 of 2015

Dated this the 28th day of October, 2015.

JUDGMENT

The petitioner is aggrieved with the fact that the petitioner has been suspended pursuant to Ext.P1 order and has not been re-instated in service only for the reason of the liability sought to be fixed as per Ext.P4 has not been paid.

2. The learned Standing Counsel for the Corporation would contend that the payment of the amounts demanded in Ext.P4 is not the only reason, which has been stated in Ext.P6 and it has also been stated that the petitioner has to be kept under suspension for reason of the pending enquiry proceedings. In any event, the petitioner has filed an appeal produced at Ext.P7 from the order at Ext.P6. It is made clear that the petitioner cannot be coerced into making the payment before the enquiry is over. Hence, that ground in Ext.P6 will not be available.

3. The Appellate Authority would consider whether in the context of the pending enquiry proceedings, the suspension has to be continued or not, *de hors* the fact that the petitioner has not paid the amounts, which is sought to be fixed as liability in Ext.P4.

The Appellate Authority would consider the appeal and pass orders after hearing the petitioner. The petitioner shall appear before the Office of the Managing Director on 09.11.2015, on which a hearing date shall be given to the petitioner within a period of two weeks therefrom and acknowledgment received in person. The issue shall be considered and disposed of within two weeks from the date of hearing.

The writ petition is disposed of.

Sd/-

**K. VINOD CHANDRAN,
JUDGE.**

//True Copy//

P.A. to Judge.

sp/28/10/15