IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

WP(C).No. 32511 of 2014 (L)

PETITIONER(S):

P.JAYALEKSHMI, AGED 53 YEARS,
W/O.K.G.KUMAR, ADDITIONAL SECRETARY
KERALA LEGISLATURE SECRETARIAT, LEGISLATURE COMPLEX
THIRUVANANTHAPURAM-695033
RESIDING AT VILLA AKLAMANA, T.C.X/411(1)
PRANAVAM NAGAR, PNRA V-II, MANNANTHALA
THIRUVANANTHAPURAM-695015.

BY ADV. SRI.P.NANDAKUMAR

RESPONDENT(S):
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1. STATE OF KERALA
REPRESENTED BY THE SECRETARY
KERALA LEGISLATURE SECRETARIAT, LEGISLATURE COMPLEX
THIRUVANANTHAPURAM-695033.

2. THE SECRETARY
KERALA LEGISLATURE SECRETARIAT, LEGISLATURE COMPLEX
THIRUVANANTHAPURAM-695033.

R2 BY GOVERNMENT PLEADER SRI.RINNY STEPHEN CHAMAPARAMPIL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 32511 of 2014 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: TRUE COPY OF MEMO DATED 6.11.2013 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT-P1(A): TRUE ENGLISH TRANSLATION OF EXHIBIT-P1.

EXHIBIT-P2: TRUE COPY OF THE REPLY SUBMITTED BY THE PETITIONER DATED 8.11.2013.

EXHIBIT-P2(A): TRUE ENGLISH TRANSLATION OF EXHIBIT-P2.

EXHIBIT-P3: TRUE COPY OF THE ORDER DATED 13.11.2013 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT-P3(A): TRUE ENGLISH TRANSLATION OF EXHIBIT-P3.

EXHIBIT-P4: TRUE COPY OF THE CHARGE MEMO DATED 9.12.2013 ALONG WITH STATEMENT OF ALLEGATIONS.

EXHIBIT-P4(A): TRUE ENGLISH TRANSLATION OF EXHIBIT-P4.

EXHIBIT-P5: TRUE COPY OF THE EXPLANATION DATED 19.12.2013 SUBMITTED BEFORE THE 2ND RESPONDENT.

EXHIBIT-P5(A): TRUE ENGLISH TRANSLATION OF EXHIBIT-P6.

EXHIBIT-P6: TRUE COPY OF THE ORDER DATED 7.1.2014 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT-P6(A): TRUE ENGLISH TRANSLATION OF EXHIBIT-P7.

EXHIBIT-P7: TRUE COPY OF THE KERALA LEGISLATURE SECRETARIAT (CONTROL AND APPEAL) RULES, 1982.

EXHIBIT-P8: TRUE COPY OF THE ORDER DATED 12.3.2014 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT-P8(A): TRUE ENGLISH TRANSLATION OF EXHIBIT-P8.

W.P.(C).NO.32511/2014

EXHIBIT-P9: TRUE COPY OF THE REVIEW PETITION DATED 29.5.2014.

EXHIBIT-P9(A): TRUE ENGLISH TRANSLATION OF EXHIBIT-P9.

EXHIBIT-P10: TRUE COPY OF COMMUNICATION DATED 23.6.2014.

EXHIBIT-P10(A): TRUE ENGLISH TRANSLATION OF EXHIBIT-P10.

RESPONDENT(S)' EXHIBITS:

EXHIBIT R2(A): COPY OF THE GO(MS) NO.1323/2013/LEG DATED 24.10.2013.

EXHIBIT R2(B): COPY OF THE KERALA SERVICE RULES PART I, APPENDIX III, PART II (3).

EXHIBIT R2(C): COPY OF THE MEMO DATED 6.11.2013.

EXHIBIT R2(D): COPY OF THE EXPLANATION DATED 8.11.2014.

EXHIBIT R2(E): COPY OF THE GO(MS) NO.1428/2013/LEG DATED 13.11.2013.

EXHIBIT R2(F): COPY OF THE KERALA LEGISLATURE SECRETARIAT (RECRUITMENT AND CONDITIONS OF SERVICES RULES 1979.

EXHIBIT R2(G): COPY OF THE KERALA LEGISLATURE SECRETARIAT SERVICE (CONTROL AND APPEAL) RULES 1982.

EXHIBIT R2(H): COPY OF LETTER NO.12499/2013-8, TNLAS (LY-I) DATED 20.11.2013.

EXHIBIT R2(I): COPY OF THE LETTER NO.291/LA.LC CW/E DTED 27.11.2013.

EXHIBIT R2(J): COPY OF THE CHARGE MEMO NO.14430/S.A1/2013/LEG. DATED 9.12.2013.

EXHIBIT R2(K): COPY OF THE RULE 9(2) (A) & 9(2) (B) (III) OF THE KERALA LEGISLATURE SECRETARIAT SERVICE (CONTROL AND APPEAL) RUL;ES, 1982.

EXHIBIT R2(L): COPY OF THE ENQUIRY REPORT DATED 18.2.2014.

EXHIBIT R2(M): COPY OF THE GO(MS) NO.349/2014/LEG DATED 12.3.2014.

EXHIBIT R2(N): COPY OF THE NOTICE NO.14430/S.A1/2013/LEG DATED 23.6.2014.

EXHIBIT R2(O): COPY OF THE NOTE FILE GRANTING LEAVE APPLICATION.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.32511 OF 2014 (L)

Dated this the 23rd day of July, 2015

J U D G M E N T

The petitioner, who is working as Additional Secretary in the Kerala Legislature Secretariat, is aggrieved by Ext.P8 order of punishment imposed on her consequent to a disciplinary proceedings that was conducted by the 2nd respondent. In the writ petition, the petitioner challenges Ext.P8 order and also Ext.P10 communication, by which, she was informed that a revision petition filed by the petitioner against Ext.P8 order, before the Hon'ble Speaker, has been rejected. Although various contentions are raised in the writ petition against Ext.P8 order, the petitioner would now confine her prayers to a direction to the 2nd respondent to place Ext.P9 revision petition, that was filed by the petitioner against Ext.P8 order, before the Hon'ble Speaker, so as to enable the latter to take a decision in the matter, after hearing the petitioner.

2. I have heard the learned counsel for the petitioner as also the learned Government Pleader for the respondents.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I dispose the writ petition with a direction to the 2nd respondent to place Ext.P9 revision petition, before the Hon'ble Speaker, so as to enable him to take a decision in the matter, after hearing the petitioner. To enable the respondents to do so, I quash Ext.P10 order, to the extent it indicates that there was an earlier decision on Ext.P9 revision petition that was filed by the petitioner, as the said decision was admittedly taken without hearing the petitioner. It will be open to the petitioner to raise all contentions available, against Ext.P8 order, before the Hon'ble Speaker, at the time of consideration of her revision petition.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp