

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

WP(C).No. 34439 of 2015 (D)

PETITIONER:

**EPHREM DELLY P.D., S/O.DAVIES, AGED 36 YEARS,
PUTHOOR HOUSE, PAVARATTI, THRISSUR, PIN-680 507.**

BY ADV. SRI.P.K.RAVISANKAR

RESPONDENTS:

- 1. KERALA STATE CIVIL SUPPLIES CORPORATION
REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR
GANDHI NAGAR, COCHIN-682 020.**
- 2. REGIONAL MANAGER, KERALA STATE CIVIL SUPPLIES CORPORATION,
SUPPLYCO REGIONAL OFFICE, T.B.ROAD, PALAKKAD-678 014.**
- 3. DEPOT MANAGER, SUPPLYCO DEPOT, POOTHOLE, THRISSUR-680 004.**

**BY SRI.PAULCHAN ANTONY P, SC, SUPPLYCO
BY SMT.MOLLY JACOB,SC,SUPPLYCO**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- | | | |
|--------|---|--|
| EXT.P1 | - | COPY OF THE CERTIFICATE OF DISABILITY ISSUED BY THE MEDICAL BOARD OF MEDICAL COLLEGE, THRISSUR DATED 23.04.2003. |
| EXT.P2 | - | COPY OF THE FIR TOGETHER WITH THE FIS IN CRIME NO.468 OF 2014 OF THRISSUR WEST POLICE STATION. |
| EXT.P3 | - | COPY OF THE ORDER NO.B7-1302/14 DATED 14.03.2014 ISSUED BY THE 2ND RESPONDENT. |
| EXT.P4 | - | COPY OF THE CHARGE MDMO NO.B7.1302/14(1) DATED 21.07.2014 ISSUED TO THE PETITIONER BY THE 2ND RESPONDENT. |
| EXT.P5 | - | COPY OF THE REPLY DATED NIL SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT. |
| EXT.P6 | - | COPY OF THE ORDER NO.B7.1302/14 DATED 28.03.2015 ISSUED TO THE PETITIONER BY THE 2ND RESPONDENT. |
| EXT.P7 | - | COPY OF THE ORDER NO.B7.1302/14 DATED 25.09.2015 ISSUED BY THE 2ND RESPONDENT. |
| EXT.P8 | - | COPY OF THE JUDGMENT DATED 07.10.2015 IN WP(C)NO.15861 OF 2015 BEFORE THIS COURT. |

RESPONDENTS' EXHIBITS:- NIL

//TRUE COPY//

P.A. TO JUDGE

sp

K. VINOD CHANDRAN, J.

W.P(C). No.34439 of 2015-D

Dated this the 23rd day of November, 2015.

JUDGMENT

The petitioner is concerned with the suspension effected as per Ext.P3 and continued, with effect from 14.03.2014 onwards. The petitioner's contention is that the enquiry has not proceeded much after the said suspension and there is no reason why the petitioner should be continued on suspension. The petitioner also relies on Ext.P8 to contend that with respect to the very same incident, the petitioner's Officer-in-charge was also suspended, who was directed to be re-instated. The petitioner seeks for a similar order.

2. It is to be noticed that the Officer-in-charge, who was the petitioner in WP(C) No.15861 of 2015 had in fact sought for review of the suspension and the Regional Manager, Palakkad had once opined that such review could be done. Further, the

petitioner herein was the custodian of the sub-depot, from which the raw rice intended for distribution in the Public Distribution System, was alleged to have been attempted to be diverted.

In such circumstance, the allegations against both the persons stand on different footing. In any event, the learned counsel for the official respondents would submit that the disciplinary proceedings would be concluded within a period of one month from today. If the disciplinary proceedings are not concluded within one month from today, then necessarily the petitioner shall be re-instated in service, but however with liberty to the Department to proceed with the enquiry proceedings. It is made clear that the observations made in the judgment, which are only of a *prima facie* nature, need not in any manner influence the Enquiry Officer or the Disciplinary Authority.

The writ petition is disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE.

//True Copy//

P.A. to Judge.

sp/23/11/15