

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

WP(C).No. 35248 of 2014 (E)

PETITIONER:

**V.V.MADHAVA WARRIER, AGED 76 YEARS,
S/O. A.V.GOVINDAN NAMBOODIRI, PARAMBARIA TRUSTEE,
SREE MORAZHA SIVA TEMPLE, P.O.MORAZHA, KANNUR.**

BY ADV. SRI.B.MOHANLAL

RESPONDENTS:

- 1. THE MALABAR DEVASWOM BOARD,
KOZHIKODE P.O., KOZHIKODE.
REPRESENTED BY ITS SECRETARY, PIN-673 001.**
- 2. THE COMMISSIONER,
MALABAR DEVASWOM BOARD, KOZHIKODE P.O., KOZHIKODE,
PIN-673 001.**
- 3. THE DEPUTY COMMISSIONER
MALABAR DEVASWOM BOARD, KOZHIKODE P.O.,
KOZHIKODE-673 001.**
- 4. SRI.SIVADASAN P.,
S/O. KANNAN NAMBIAR, EXECUTIVE OFFICER,
SREE MORAZHA SIVA TEMPLE, MALABAR DEVASWOM BOARD,
P.O.MORAZHA, KANNUR-670 331.**

R4 BY ADV. SRI.P.NARAYANAN

R4 BY ADV. SRI.NICHOLAS JOSEPH

BY SRI.K.R.SUNIL, SC, MALABAR DEVASWOM BOARD

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- EXT. P1 : COPY OF THE SCHEME IN O.A. NO.1/1967 ISSUED UNDER HINDU RELIGIOUS AND CHARITABLE ENDOWMENT ACT.
- EXT. P2 : COPY OF THE NOTICE DATED 01.11.2013 ISSUED BY THE EXECUTIVE OFFICER, SREE MORAZHA SIVA TEMPLE TO THE 4TH RESPONDENT.
- EXT. P3 : COPY OF THE REPLY FILED BY THE 4TH RESPONDENT TO THE PETITIONER AGAINST EXT.P2.
- EXT. P4 : COPY OF THE NOTICE DATED 21.11.2013 ISSUED BY THE EXECUTIVE OFFICER, SREE MORAZHA SIVA TEMPLE TO THE 4TH RESPONDENT.
- EXT. P5 : COPY OF THE REPLY FILED BY THE 4TH RESPONDENT TO THE PETITIONER AGAINST EXT.P4.
- EXT. P6 : COPY OF THE ORDER DATED 08.08.2014 SUSPENDING THE 4TH RESPONDENT FROM SERVICE.
- EXT. P7 : COPY OF THE MEMO OF CHARGES DATED 29.11.2014 ISSUED BY THE PETITIONER TO THE 4TH RESPONDENT.
- EXT. P8 : COPY OF THE OBJECTION FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT IN A.P. NO.3/2014.
- EXT. P9 : COPY OF THE ORDER IN A.P. NO.3/2014 DATED 05.12.2014 ISSUED BY THE 3RD RESPONDENT.
- EXT. P10 : COPY OF THE ORDER IN I.A. NO.41/2014 IN R.P. NO.33/2014 DATED 15.12.2014 OF THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

DST

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 35248 of 2014

Dated this the 19th day of January, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- "i. To call for the records relating to R.P.No:33/2014 and to issue a writ of certiorari or any other appropriate writ order or direction quashing Ext.P10 Order as illegal.*
- ii. To declare that the continuation of the 4th Respondent to the post of Executive Officer in Sree Morazha Siva Temple during the pendency of Ext.P6 and P7 disciplinary Proceedings is illegal and contrary to the Rules and Regulations of the Hindu Religious and Charitable Endowment Act.*
- iii. To issue a writ of mandamus or any other appropriate writ order or direction commanding the 2nd Respondent to dispose of I.A.NO:41/2014 in R.P.NO:33/2014 within a stipulated time as directed by this Hon'ble Court and till then the proceedings pursuant to Ext.P10 Order may be kept in abeyance."*

2. The case projected in the writ petition is that, the 4th respondent herein, who is the Executive Officer of the Devaswom, was placed under suspension as per Ext.P6 order dated 08.08.2014. Subsequently, he was served with Ext.P7 'Memo of Charges'. The 4th respondent took up the matter by way of

appeal before the appellate authority ie; the 3rd respondent, who dismissed the appeal as per Ext.P9 order dated 05.12.2014. Met with the circumstances, the petitioner moved a revision petition before the 2nd respondent and also filed an I.A., to stay the proceedings. After considering the relief sought for in the I.A., Ext.P10 interim order was passed, whereby suspension of the 4th respondent was intercepted, however directing the competent authority to finalise the disciplinary proceedings. This in turn is under challenge in the writ petition preferred at the instance of the hereditary trustee and as per order dated 23.12.2014, this Court has granted an interim stay as prayed for, for a period of one month. Because of the interim stay, the entire proceedings have come to a stand still.

3. The learned counsel for the 4th respondent submits that, the matter caused to be finalised by the revisional authority passing appropriate orders in the revision petition. The learned counsel for the 4th respondent points out that, after passing the interim order dated 23.12.2014, the issue has been sorted out to some extent, by virtue of which, the 4th respondent has been reinstated in service. Learned counsel for the petitioner submits

that he is not aware of the position.

4. After hearing the learned counsel for the petitioner, the learned counsel for the 4th respondent and also the learned standing counsel appearing for the Dewasom, the writ petition is disposed of, directing the 2nd respondent / revisional authority to consider and pass final orders in the revision petition preferred by the 4th respondent, of course after affording an opportunity of hearing to both the sides, in accordance with law. It shall be done at the earliest, at any rate, within two months from the date of receipt of a copy of this judgment.

'Status quo' shall be maintained till such time. The petitioner shall produce a copy of this judgment along with a copy of this writ petition before the 2nd respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

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