

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

WP(C).No. 35265 of 2014 (G)

PETITIONER(S):

- 1. PALLICHAL GRAMA PANCHAYATH,
VEDIVECHAN KOVIL P.O., BALARAMAPURAM (VIA),
THIRUVANANTHAPURAM - 695 501,
REPRESENTED BY ITS PRESIDENT.**
- 2. A.T.MANOJ,
MEMBER, THE PALLICHAL GRAMA PANCHAYAT,
VEDIVECHAN KOVIL P.O., BALARAMAPURAM (VIA),
THIRUVANANTHAPURAM - 695 501.**

BY ADV. SRI.BIJU BALAKRISHNAN

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. THE DIRECTOR,
DIRECTORATE OF PANCHAYATH,
THIRUVANANTHAPURAM - 695 001.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 35265 of 2014 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT. P1 : PHOTOSTAT COPY OF THE GO (ORD.) NO.3073/2014/LSGD, DTD.25.11.2014
OF THE 1ST RESPONDENT.**

**EXT. P2 : PHOTOSTAT COPY OF THE REPORT OF THE STATE PERFORMANCE AUDIT
OFFICER.**

**EXT. P3 : PHOTOSTAT COPY OF THE RESOLUTION NO.V (53), DTD.8.11.2013 OF THE
1ST PETITIONER.**

**EXT. P4 : PHOTOSTAT COPY OF THE REPRESENTATION DTD.1.12.2014 BEFORE THE
HON'BLE MINISTER FOR LOCAL SELF GOVERNMENT DEPARTMENT,
SUBMITTED BY THE 1ST PETITIONER.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 35265 of 2014

Dated this the 9th day of February, 2015.

JUDGMENT

Heard the learned counsel for the petitioners and the learned Government Pleader, apart from perusing the record.

2. The grievance of the petitioners is that while conducting an enquiry, consequent to which Ext.P2 enquiry report was submitted, the State Performance Audit Officer did not give notice to the managing committee of the petitioner Grama Panchayath.

3. It is the singular contention of the learned counsel for the petitioners that there is a clear infraction of the principles of natural justice. He has further brought to my notice that acting on Ext.P2 enquiry report, the Government already issued Ext.P1 order recommending action against not only the Secretary of the Grama Panchayath, but also against the managing committee. Under these circumstances, the petitioners seek to interdict Ext.P1 as being an order in

violation of the principles of natural justice.

4. The learned Government Pleader, on the other hand, has submitted that instead of acting on Ext.P1 order, the Government has felt it desirable to refer the matter to the learned Ombudsman, who has presently been seized of the issue. According to her, the petitioner is at liberty to make all defences available to him before the learned Ombudsman.

In the facts and circumstances, having regard to the submission made by the learned Government Pleader, this Court disposes of the writ petition with liberty to the petitioner to enter their appearance and defend themselves before the learned Ombudsman by taking up all the legally available pleas, including that of the maintainability of the proceedings.

sd/- DAMA SESHADRI NAIDU, JUDGE.

