

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

WP(C).No. 37701 of 2015 (k)

PETITIONERS:

- 1. P.M.SURESH, AGED 53 YEARS
ASSISTANT REGISTRAR (HIGHER GRADE)/
ADMINISTRATIVE OFFICER (HIGHER GRADE)
CASM, THIRUVAZHAMKUNNU, PALAKKAD DISTRICT.**
- 2. C.R.SANTHOSH, SECTION OFFICER
DIRECTORATE OF ENTERPRENEURSHIP
KERALA VETERINARY AND ANIMAL SCIENCES UNIVERSITY
POOKODE, LAKKIDI PO, WAYANAD.**

**BY ADVS.SRI.P.C.SASIDHARAN
SRI.E.S.ASHRAF
SRI.ARAVINDA KUMAR BABU T.K.
SRI.P.E.SAJAL**

RESPONDENTS:

- 1. KERALA VETERINARY AND ANIMAL SCIENCES UNIVERSITY
POOKODE, LAKKIDI PO, WAYANAD
REPRESENTED BY ITS REGISTRAR - 679 301.**
- 2. THE VICE CHANCELLOR
KERALA VETINARY AND ANIMAL SCIENCES UNIVERSITY,
POOKODE, LAKKIDI PO, WAYANAD - 679 301.**

BY SRI.MILLU DANDAPANI, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
17-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS:-

- | | | |
|---------|---|---|
| EXT. P1 | - | COPY OF THE COMMON ORDER GRANTING HIGHER GRADE ON CREATION OF NEW POSTS IN THE SERVICE OF THE UNIVERSITY ON RESTRUCTURING THE STAFF PATTERN OF NON-TEACHING STAFF |
| EXT. P2 | - | COPY OF THE ORDER DATED 12.11.2015 |
| EXT. P3 | - | COPY OF THE ORDER DATED 30.11.2015 |
| EXT. P4 | - | COPY OF THE ORDER DATED 30.11.2015 |
| EXT. P5 | - | COPY OF THE MEMO OF CHARGES DATED 31.07.2015 ISSUED TO THE 1ST PETITIONER |
| EXT. P6 | - | COPY OF THE MEMO OF CHARGES DATED 04.08.2015 |
| EXT. P7 | - | COPY OF THE EXPLANATIONS DATED 23.09.2015 BY THE 1ST PETITIONER |
| EXT. P8 | - | COPY OF THE EXPLANATIONS DATED 23.09.2015 BY THE 2ND PETITIONER |

RESPONDENTS' EXHIBITS:- NIL

//TRUE COPY//

P.A. TO JUDGE

sp

K. VINOD CHANDRAN, J.

W.P(C). No.37701 of 2015-K

Dated this the 17th day of December, 2015.

JUDGMENT

The petitioners are concerned with Exts.P3 & P4 orders passed by the Registrar, on behalf of the Vice Chancellor, allegedly demoting them to inferior posts, occupied by them earlier. The brief facts to be noticed are that Ext.P1 is a higher placement granted to the 1st petitioner on the basis of his seniority and Ext.P2 is a promotion granted to the 2nd petitioner, again on the strength of his seniority alone.

2. It is also an admitted fact that there is a disciplinary action initiated against both

the petitioners which was on 04.08.2015, prior to Exts.P1 & P2. Exts.P3 & P4 purportedly were issued noticing the mistake that, when disciplinary proceedings are pending, the employees would not be eligible for any promotion, even if it is based on seniority.

3. The essential contention raised by the petitioners in the writ petition is that they have not been issued with any notice before such demotion was effected. The learned Standing Counsel for the respondent University would submit on instructions that the enquiry itself is now completed and that final orders on the same will be passed, at best within two weeks.

4. It has to be noticed that Exts.P3 & P4

were issued without any notice to the petitioners. Even if the petitioners were promoted or placed in a higher grade, by mistake, not noticing the disciplinary proceedings initiated against them, the cancellation of such higher placement has to be with notice to the employee.

5. It is stated that the enquiry proceedings are concluded. But Exts.P3 & P4 would stand set aside for the short reason of violation of principles of natural justice. It is made clear that this Court has not looked into the merits of the demotion; nor even referred to the Government Order noticed in Exts.P3 & P4. The respondent University would be entitled to take fresh proceedings for demotion against the

petitioners or wait till the enquiry proceedings are completed, which is purely the discretion of the University.

The writ petition is disposed of with the above observation.

Sd/ -

**K. VINOD CHANDRAN,
JUDGE.**

//True Copy//

P.A. to Judge.

sp/18/12/15