IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BASANT BALAJI

MONDAY, THE 4TH DAY OF MARCH 2024 / 14TH PHALGUNA, 1945

WP(C) NO. 623 OF 2023

PETITIONER/S:

P. GOPAKUMAR
AGED 58 YEARS
T.C. 33/2166-1, 'KADAKSHAM',
MANIKANTESWARAM P.O., THIRUVANANTHAPURAM,
PIN - 695013

BY ADVS.
SOORAJ T.ELENJICKAL
P.PARAMESWARAN NAIR
SREELATHA PARAMESWARAN NAIR
RENOY VINCENT
HELEN P.A.
ARUN ROY
SHAHIR SHOWKATH ALI
ALEESHA SHEREEF

RESPONDENT/S:

1 **STATE OF KERALA**
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT
OF KERALA , GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM., PIN - 695011

2 **THE PRINCIPLE SECRETARY**
(HEALTH & FAMILY WELFARE), GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001

3 **THE CHAIRMAN GOVERNING BODY,**
REGIONAL CANCER CENTRE, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM, PIN - 695011

4 THE DIRECTOR, REGIONAL CANCER CENTRE
MEDICAL COLLEGE KUMARAPURAM RD,
MEDICAL COLLEGE CAMPUS, CHALAKKUZHI,
THIRUVANANTHAPURAM, PIN - 695011
BY ADV SHRI.ATHUL SHAJI, SC, REGIONAL CANCER CENTRE (RCC)

SR GP SMT MARY BEENA JOSEPH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04.03.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BASANT BALAJI , J.

W.P. (C) No.623 of 2023

Dated this the 4th day of March 2024

JUDGMENT

The petitioner states that he joined the service of the Regional Cancer Centre as helper in the year 1987. While in service he was served with Ext.P1 order barring his increment with cumulative effect. Being aggrieved by that, the petitioner had submitted Ext.P2 appeal which was rejected by Ext.P3. Thereafter, the petitioner had preferred Ext.P5 second appeal before the 3rd respondent, which is pending. It is in the said circumstances that the petitioner has approached this Court seeking the following reliefs:

> i) To issue a writ of certiorari or any other appropriate writ direction or order quashing Exhibits P1 and P3 orders.
>
> ii) To issue a writ of mandamus commanding the 3rd respondent to consider and pass orders on Exhibit P5 after affording the petitioner an opportunity of being heard.

2. The learned Government Pleader submitted that if Ext.P5 is pending, the same can be taken up and considered without delay.

3. It is seen from the records that Ext.P5 second appeal was filed as early as on 23.6.2022.

4. In that view of the matter, this writ petition is disposed of, directing the 3rd respondent to take up, consider and pass appropriate orders on Ext.P5, as expeditiously as possible and at any rate, within a period of three months from the date of receipt of a copy of this judgment. Before passing orders, an opportunity of hearing shall be afforded to the petitioner.

Sd/-

BASANT BALAJI,

JUDGE

NS

APPENDIX OF WP(C) 623/2023

PETITIONER EXHIBITS

Exhibit-P1	**TRUE COPY OF THE ORDER DATED 07.02.2020**
Exhibit-P2	**THE TRUE COPY OF THE APPEAL FILED BY THE PETITIONER DATED 23.03.2020**
Exhibit-P3	**TRUE COPY OF THE ORDER PASSED BY THE 2ND RESPONDENT DATED 08.04.2022**
Exhibit-P4	**TRUE COPY OF THE INTIMATION LETTER RECEIVED BY THE PETITIONER DATED 03.06.2022**
Exhibit-P5	**TRUE COPY OF THE SECOND APPEAL FILED BY THE PETITIONER DATED 23.06.2022**