**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN**

**MONDAY, THE 5TH DAY OF AUGUST 2024 / 14TH SRAVANA, 1946**

**WP(C) NO. 19193 OF 2024**

**PETITIONER:**

**RANJITH, AGED 49 YEARS**
**S/O. KARUNAKARAN, RESIDING AT PREMAJANIVAS,**
**CHALA EAST P.O, KANNUR, PIN - 670621**

**BY ADV T.V.JAYAKUMAR NAMBOODIRI**

**RESPONDENTS:**

1 **MALABAR DEVASWOM BOARD**
**REPRESENTED BY ITS SECRETARY,**
**HOUSEFED COMPLEX, ERANHIPPALAM,**
**KOZHIKODE DISTRICT, PIN - 673006**

2 **COMMISSIONER**
**MALABAR DEVASWOM BOARD,**
**HOUSEFED COMPLEX, ERANHIPPALAM,**
**KOZHIKODE DISTRICT, PIN - 673006**

3 **DEPUTY COMMISSIONER**
**MALABAR DEVASWOM BOARD, HOUSEFED COMPLEX,**
**ERANHIPPALAM, KOZHIKODE DISTRICT, PIN - 673006**

4 **EXECUTIVE OFFICER**
**SREECHALABHAGAVATHI TEMPLE, CHALA P.O,**
**KANNUR DISTRICT, PIN – 670007**
**R BY SMT.R.RENJANIE, SC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05.08.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

# JUDGMENT

The petitioner is working as Vazhipad Clerk in Sree Chala Bhagavathi Temple under the 1st respondent Board. By Ext.P2 order dated 05.02.2022, the 4th respondent - Executive Officer suspended the petitioner from service. Against the same, the petitioner preferred Ext.P4 appeal before the 3rd respondent, the Deputy Commissioner. While the appeal is pending before the 3rd respondent, the 4th respondent-Executive Officer, by Ext.P7 order dated 22.01.2024, dismissed the petitioner from service. The petitioner has filed this writ petition challenging Ext.P7.

2. According to the petitioner, the 4th respondent – Executive Officer is not competent to

pass Ext.P7 order. He further contends that in view of Ext.P5, the 3rd respondent is the disciplinary authority as regards the charges levelled against him.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel.

4. On going through Ext.P7, it can be seen that it is a cryptic and nonspeaking order. An order of removal from service brings civil consequences to the petitioner. Such an order cannot be passed in a casual manner. Though it has been stated therein that the enquiry officer has found the petitioner guilty, no such enquiry report has been served on the petitioner. I find that Ext.P7 has been issued in total violation of the principles of natural justice. Accordingly, the same is set aside. There will be a

direction to the 3rd respondent – Deputy Commissioner of Malabar Devaswom Board to take further steps pursuant to the enquiry report dated 26.12.2013 and pass appropriate orders in accordance with law, as expeditiously as possible and after hearing the petitioner.

The writ petition is disposed of accordingly.

**Sd/-**
**MURALI PURUSHOTHAMAN**
**JUDGE**

SB

## APPENDIX

**PETITIONER EXHIBITS**

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| **Exhibit P-1** | **TRUE COPY OF THE MODIFIED SCHEME OF SREE CHALA BHAVATHI TEMPLE DATED 31-12-1970** |
| **Exhibit P-2** | **TRUE COPY OF THE SUSPENSION ORDER DATED 05-02-2022 ISSUED BY THE 4TH RESPONDENT** |
| **Exhibit P-3** | **TRUE COPY OF THE NOTICE DATED 11-02-2022 FROM THE AUDIT OFFICER TO THE 4TH RESPONDENT** |
| **Exhibit P-4** | **TRUE COPY OF THE APPEAL MEMORANDUM DATED NIL SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT** |
| **Exhibit P-5** | **TRUE COPY OF THE ORDER DATED 08-07-2022 ISSUED BY THE 3RD RESPONDENT IN I.A. 30/2022 IN A.P. NO. 2/2022** |
| **Exhibit P-6** | **TRUE COPY OF THE ENQUIRY REPORT DATED 26-12-2023 SUBMITTED BY THE ENQUIRY OFFICER, BEFORE THE 3RD RESPONDENT** |
| **Exhibit P-7** | **TRUE COPY OF THE DISMISSAL ORDER NO.01/2024 DATED 22-01-2024 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER** |
| **Exhibit P-8** | **TRUE COPY OF THE COUNTER DATED 14-02-2024 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT** |