IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

FRIDAY, THE 2ND DAY OF AUGUST 2024 / 11TH SRAVANA, 1946

WP(C) NO. 24976 OF 2024

PETITIONER:

VIJAYASANKAR K, AGED 51 YEARS
S/O. SANKARA NARAYANAN,
CONDUCTOR GRADE I, KSRTC
PALAKKAD DEPOT, PALAKKAD - 678001
RESIDING AT SOUPARNIKA, PARUTHIPULLI P.O.,
PALAKKAD, PIN - 678573

BY ADVS.
P.NANDAKUMAR
VIVEK VIJAYAKUMAR
MERIN K JIMMY

RESPONDENTS:

1 **KERALA STATE ROAD TRANSPORT CORPORATION**
TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM,
REPRESENTED BY ITS MANAGING DIRECTOR - 695023

2 **THE MANAGING DIRECTOR**
KERALA STATE ROAD TRANSPORT CORPORATION,
TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM - 695023

3 **EXECUTIVE DIRECTOR (VIGILANCE)**
KERALA STATE ROAD TRANSPORT CORPORATION,
TRANSPORT BHAVAN, FORT,
THIRUVANANTHAPURAM, PIN - 695023

4 **THE DISTRICT TRANSPORT OFFICER**
KSRTC THIRUVANANTHAPURAM CITY UNIT,
THIRUVANANTHAPURAM, PIN - 695001

BY ADV DEEPU THANKAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02.08.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

While the petitioner was working as Conductor Grade I in the Kerala State Road Transport Corporation (K.S.R.T.C.), he was placed under suspension on 04.09.2023. Later, he was reinstated in service as per Ext.P6 memorandum dated 29.04.2024, pending disciplinary proceedings and was directed to report for duty at Thiruvananthapuram City Unit. The petitioner states that he received the said memorandum only on 13.5.2024. The petitioner further states that since he was sick, he was not in a position to travel to Thiruvananthapuram and he could report before the 4th respondent for rejoining duty only on 05.06.2024,

with written request and sufficient medical certificate. However, the 4th respondent did not permit him to rejoin duty. Accordingly, this writ petition is filed for a direction to the respondents to permit him to rejoin duty as Conductor Grade I, treating the period from 05.06.2024 till the date of rejoining duty as 'duty' for all purposes and grant him consequential monetary benefits including pay and allowances.

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

3. The learned Standing Counsel, on instructions, submits that the 3rd respondent has passed an order dated 10.07.2024 permitting the petitioner to rejoin duty pursuant to which, he rejoined duty on 17.07.2024.

4. Since the petitioner has been permitted to rejoin duty pursuant to the memorandum dated 10.07.2024 issued by the 3rd respondent, his only surviving grievance at this stage is for a direction to the 3rd respondent to treat the period from 05.06.2024 till the date of rejoining duty as 'duty' for all purposes and to grant him consequential benefits.

5. In such circumstances and having considered the submissions made across the Bar, there will be a direction to the 3rd respondent to pass appropriate orders in accordance with law as to how the period from 05.06.2024 till the date of rejoining duty has to be treated. While passing orders, the 3rd respondent shall also take into consideration Ext.P7 and the medical certificate produced by the petitioner.

Orders as above shall be passed within a period of two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of accordingly.

Sd/-
MURALI PURUSHOTHAMAN
JUDGE

SB

APPENDIX

PETITIONER EXHIBITS

Exhibit P1	**TRUE COPY OF THE ORDER OF SUSPENSION DATED 04.09.2023 ISSUED BY THE 3RD RESPONDENT**
Exhibit P2	**TRUE COPY OF THE MEMO OF CHARGES DATED 12.09.2023 ISSUED BY THE 3RD RESPONDENT**
Exhibit P3	**TRUE COPY OF WRITTEN STATEMENT OF DEFENSE SUBMITTED BY THE PETITIONER DATED 30.10.2023**
Exhibit P4	**TRUE COPY OF MEMORANDUM DATED 16.11.2023 ALONG WITH ENQUIRY REPORT DATED 04.11.2023 ISSUED BY THE 3RD RESPONDENT**
Exhibit P5	**TRUE COPY OF OBJECTION DATED 2.12.2023 FILED BY THE PETITIONER**
Exhibit P6	**TRUE COPY OF MEMORANDUM DATED 29.04.2024 ISSUED BY THE DISTRICT TRANSPORT OFFICER, PALAKKAD**
Exhibit P7	**TRUE COPY OF THE COVERING LETTER DATED 05.06.2024 SUBMITTED BY THE PETITIONER TO THE 4TH RESPONDENT**