2025:KER:31424

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR.JUSTICE P. KRISHNA KUMAR

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

OP(KAT) NO. 165 OF 2025

THE ORDER DATED 28.02.2025 IN OA (EKM) NO.279 OF 2025 OF KERALA ADMINISTRATIVE TRIBUNAL AT THIRUVANANTHAPURAM (ADDITIONAL BENCH, ERNAKULAM)

PETITIONERS/RESPONDENTS 1 & 2 IN OA (EKM)

1 STATE OF KERALA REPRESENTED BY THE SECRETARY TO GOVERNMENT
TAXES DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001

2 THE INSPECTOR GENERAL OF REGISTRATION,
OFFICE OF THE INSPECTOR GENERAL OF REGISTRATION,
VANCHIYOOR, THIRUVANANTHAPURAM, PIN - 695035

BY SRI.A.J.VARGHESE, SENIOR GOVERNMENT PLEADER

RESPONDENTS/APPLICANTS IN OA (EKM)

1 K.G. RAJESH
S/O. K. GOPI, SUB REGISTRAR, KATTOOR (UNDER ORDERS OF SUSPENSION), KATTOOR, THRISSUR-680702, RESIDING AT KOPPAKKATTIL HOUSE, KALLUR P.O., THRISSUR,
MOB: NO. 9846850549, KERALA., PIN - 680317

2 K. RAJESH
S/O. T.M. GOPINATHAN, SUB REGISTRAR,MUNDOOR (UNDER ORDERS OF SUSPENSION), MUNDOOR, THRISSUR-680541, RESIDING AT MANJU VILLA, KOTTILLIL LANE, KANNATTUKARA, THRISSUR MOB:NO.9446323660, KERALA., PIN - 680011

3 M.R. JAYAPRAKASH
S/O. RAJAPPAN M.N., SUB REGISTRAR, ERUMAPPETTY, THRISSUR-680584, RESIDING AT MUDAKARA HOUSE, MUNDATHIKKODU, THRISSUR MOB:- 9446063041, KERALA., PIN - 680601

4 P.M. AKBAR
S/O. MUHAMMED KUTTY, SUB REGISTRAR, CHELAKKARA (UNDER ORDER OF SUSPENSION), CHELAKKARA, THRISSUR-680586, RESIDING AT PADINJARE PEEDIKAYIL, CHERUTHURUTHY P.O., THRISSUR, MOB:- 9947220110, KERALA., PIN - 679531

5 C.R. RAJESH
S/O. C.M. RAPPAYI, SUB REGISTRAR, CHERPU (UNDER ORDERS OF SUSPENSION), CHERPU, THRISSUR-680561, RESIDING AT CHIRAYATH HOUSE, VELUTHUR P.O., THRISSUR, MOB: 9947464547, KERALA., PIN - 680016

BY ADVS.SRI.SANDEEP GOPALAKRISHNAN
SRI.ASAF ALI T
SMT.ANJU DAVIS K.(K/1386/2020)
SMT.ANAGHA HARIDAS(K/003401/2022)
SMT.LALIZA.T.Y.(K/1427/2002)

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR ADMISSION ON 10.04.2025, ALONG WITH OP(KAT) No.167/2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

2025:KER:31424

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR.JUSTICE P. KRISHNA KUMAR

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

OP(KAT) NO. 167 OF 2025

THE ORDER DATED 28.02.2025 IN OA (EKM) NO.280 OF 2025 OF KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM (ADDITIONAL BENCH, ERNAKULAM)

PETITIONERS/RESPONDENTS 1 & 2 IN OA (EKM)

1 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
TAXES DEPARTMENT,GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001

2 THE INSPECTOR GENERAL OF REGISTRATION,
OFFICE OF THE INSPECTOR GENERAL OF REGISTRATION,
VANCHIYOOR, THIRUVANANTHAPURAM, PIN - 695035

BY SRI.A.J.VARGHESE, SENIOR GOVERNMENT PLEADER

RESPONDENTS/APPLICANT IN OA (EKM)

M.C. SABU
S/O. M.M. CHELLAPPAN, DEPUTY INSPECTOR GENERAL OF REGISTRATION (UNDER ORDERS OF SUSPENSION), NORTH CENTRAL ZONE, CHEMBUKAVU, THRISSUR. RESIDING AT MANTHRAKUZHIYIL HOUSE, RPC P O , VANDANPATHAL, MUNDAKKAYAM, KOTTAYAM MOB: 9446046549, KERALA, PIN - 686513



BY ADVS.SMT.NISHA GEORGE
SRI.GEORGE POONTHOTTAM (SR.)
(K/000570/1979)
SRI.A.L.NAVANEETH KRISHNAN(K/777/2015)
SMT.SILPA SREEKUMAR(K/228/2023)

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR ADMISSION ON 10.04.2025, ALONG WITH OP(KAT)NO.165/2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

2025:KER:31424

JUDGMENT

Dated this the 10th day of April,2025

A.Muhamed Mustaque, J.

These Original Petitions are filed by the State challenging an order of the Kerala Administrative Tribunal Thiruvananthapuram (Additional Bench, Ernakulam, for short, 'the Tribunal') interfering with Annexure-A11 suspension order, suspending the respondents who were the applicants before the Tribunal. A detailed order has been passed by the Tribunal setting aside the suspension order and also directing that the period of suspension shall be treated as duty for all purposes.

2. The facts involved in this case are as follows:

The respondents are working as Deputy Inspector General of Registration and Sub Registrars under the Registration Department. It was reported in media that on 11.02.2025, they were found in an inebriated state in a hotel at Thrissur with an unaccounted cash.

3. Based on the information received, the respondents were sharing the money, the Vigilance and Anti-Corruption Bureau intervened and found the officers in the private hotel. According to the respondents, they were at hotel for having the lunch and were about to leave, when the vigilance team visited the hotel. The suspension order dated 13.02.2025 produced refers to the conduct of the respondent officers and orders their suspension on the ground that they had lowered the image of public servants. It is also stated that unaccounted money of Rs.33,050/- was found with the respondents. It is further stated that except one namely, Sri.M.C.Sabu, all officers were found in an inebriated state. The Tribunal proceeded to set aside the suspension order after entering into the following finding in paragraph 11 of the order of the Tribunal, which is stated hereunder:

> "11. Since this Tribunal found that there was absolutely no basis or materials available before the 1st respondent to suspend the applicants through the impugned order, the above Original Applications are entitled to succeed. Hence, the above Original Applications are hereby allowed. Annexure A11 order

> of suspension, dated 13.02.2025 is hereby set aside. The applicants shall be reinstated into service, forthwith. They shall be treated as continued in service without any break. The broken period during which they were kept out of service shall be treated a duty for all purposes."

4. We do not know how the Tribunal at the threshold came to a conclusion that there were no materials available before the 1st petitioner to suspend the respondents. At the stage of suspension, it is sufficient for the employer or disciplinary authority to be satisfied that a *prima facie* case is made against the suspended employees for a disciplinary action. Even media report would be sufficient if there was an application of mind. The rest of the matter is to be decided through disciplinary enquiry as to the proof. The Tribunal even went to the extent of holding that the suspension should be treated as service or duty for all the purposes. It has to be noted that the Tribunal did not find that the suspension order was without authority or was a malafide exercise of power. In the absence of any such finding, on the merit of the suspension, the Tribunal could not have decided so as rest of the matter is

a matter for enquiry and disciplinary action. We disapprove the approach of the Tribunal in deciding the legality of the suspension order on a matter which requires an appreciation through an enquiry.

5. The suspension was ordered on 13.02.2025. It is now stated at the Bar by the learned Government Pleader that charge memo also have been issued to all the employees. That means all the necessary materials might have been collected to prove the charges. The continuation of the suspension is necessary only to ensure the credibility of the enquiry proceedings as well as to ensure that there shall not be any interference of the materials to be relied upon during the disciplinary proceedings. Based on the nature of allegations in this matter, we are of the view that the continuation of the suspension is not necessary and the suspension period shall be terminated with effect from 14.04.2025, and respondents shall be re-instated from 15.04.2025, subject to disciplinary action. The legality of the suspension and the period during which they were kept under suspension can also be decided

based on the outcome of such enquiry. All those issues are left open. Accordingly, the impugned order is set aside to the above extent, in terms of the directions issued hereinabove.

The Original Petition is disposed of.

Sd/-

A.MUHAMED MUSTAQUE
JUDGE

Sd/-
P. KRISHNA KUMAR
JUDGE

MJL

APPENDIX OF OP(KAT) 165/2025

PETITIONERS' ANNEXURES:

Exhibit P1	**A PHOTOCOPY OF THE O.A (EKM). NO. 279 OF 2025**
Annexure A1	**TRUE COPY OF THE NOTICE NO.DIGTSR/45/2025-DIGR1 DATED 4.2.2025 ISSUED BY THE DEPUTY INSPECTOR GENERAL OF REGISTRATION, NORTH CENTRAL ZONE ALONG WITH THE AGENDA OF THE MEETING.**
Annexure A2	**TRUE COPY OF THE NOTICE NO. DRGTSR/4187/2024-PU 2 DATED 5.2.2025 ISSUED BY THE DISTRICT REGISTRAR (GENERAL), REGISTRATION, THRISSUR.**
Annexure A3	**TRUE COPY OF THE CIRCULAR NO.E7/30986/10 DATED 26.05.2011 ISSUED BY THE 2ND RESPONDENT.**
Annexure A4	**TRUE COPY OF THE RELEVANT EXTRACT OF THE REGISTER SHOWING HANDING OVER OF THE CHARGE BY THE 1ST APPLICANT.**
Annexure A5	**TRUE COPY OF THE RELEVANT EXTRACT OF THE REGISTER SHOWING HANDING OVER OF THE CHARGE BY THE 2ND APPLICANT.**
Annexure A6	**TRUE COPY OF THE RELEVANT EXTRACT OF THE REGISTER SHOWING HANDING OVER OF THE CHARGE BY THE 3RD APPLICANT.**
Annexure A7	**TRUE COPY OF THE RELEVANT EXTRACT OF THE REGISTER SHOWING HANDING OVER OF THE CHARGE BY THE 4TH APPLICANT.**
Annexure A8	**TRUE COPY OF THE RELEVANT EXTRACT OF THE REGISTER SHOWING HANDING OVER OF THE CHARGE BY THE 5TH APPLICANT.**

Annexure A9	TRUE COPY OF THE REPORT PUBLISHED IN THE MALAYALA MANORAMA DAILY ON 11.02.2025
Annexure A10	TRUE COPY OF THE REPORT PUBLISHED IN THE MATHRUBHOOMI DAILY ON 11.02.2025.
Annexure A11	TRUE COPY OF THE GO(RT) NO.133/2025/TAXES DATED 13.02.2025 ISSUED BY THE 1ST RESPONDENT.
Annexure A12	TRUE COPY OF THE QUESTIONNAIRE DATED 12.02.2025 SUBMITTED BY THE 5TH APPLICANT TO THE PUBLIC INFORMATION OFFICER/DISTRICT REGISTRAR (GENERAL), THRISSUR AND THE REPLY GIVEN BY THE PUBLIC INFORMATION OFFICER/DISTRICT REGISTRAR (GENERAL), THRISSUR VIDE DRGTSR/654/2025-PUV2 DATED 15.02.2025.
Exhibit P2	TRUE COPY OF THE ABOVE ORDER DATED 17.02.2025 IN OA (EKM) NO. 279 OF 2025.
Exhibit P3	A TRUE COPY OF THE REPLY STATEMENT FILED BY THE 1ST RESPONDENT IN OA (EKM) NO. 279 OF 2025.
Annexure R1(a)	TRUE COPY OF THE LETTER NO.IGR/798/2025-E7 DATED 11.02.2025
Exhibit P4	A TRUE COPY OF THE ORDER DATED 28.02.2025 IN OA (EKM) NO. 279 OF 2025

APPENDIX OF OP(KAT) 167/2025

Exhibit P1	A PHOTOCOPY OF THE OA (EKM) NO.280/2025
Annexure A1	TRUE COPY OF THE NOTICE NO.DIG TSR/45/2025-DIGR1 DATED 4.2.2025 ISSUED BY THE APPLICANT ALONG WITH THE AGENDA OF THE MEETING
Annexure A 2	TRUE COPY OF THE NOTICE NO. DRGTSR/4187/2024-PUV2 DATED 5.2.2025 ISSUED BY THE DISTRICT REGISTRAR (GENERAL), REGISTRATION, THRISSUR.
Annexure A3	TRUE COPY OF THE REPORT PUBLISHED IN THE MALAYALA MANORAMA DAILY ON 11.02.2025.
Annexure A4	TRUE COPY OF THE REPORT PUBLISHED IN THE MATHRUBHOOMI DAILY ON 11.02.2025.
Annexure A5	TRUE COPY OF THE GO(RT) NO.133/2025/TAXES DATED 13.02.2025 ISSUED BY THE 1ST RESPONDENT.
Exhibit P2	TRUE COPY OF THE REPLY STATEMENT FILED BY THE 1ST RESPONDENT IN OA (EKM) NO. 280 OF 2025.
Annexure R1(a)	A TRUE COPY OF THE LETTER NO. IGR/798/2025-E7 DATED 11.02.2025 OF REGISTRATION INSPECTOR GENERAL, THIRUVANANTHAPURAM.
Exhibit P3	A TRUE COPY OF THE ORDER DATED 28.02.2025 IN OA (EKM) NO. 280 OF 2025.