

J.Reghu Vs. State Institute of Encyclopedic Publications(Kerala)society

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Court : Kerala

Decided On : Jan-01-2013

Judge : Honourable Mr.Justice P.N.Ravindran

Appellant : J.Reghu

Respondent : State Institute of Encyclopedic Publications(Kerala)society

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN TUESDAY, THE 1ST DAY OF JANUARY 2013 11TH POUSHA 193 WP(C).No. 30216 of 2012 (B) ----- PETITIONER(S): ----- J.REGHU, ASSISTANT EDITOR (GRADE-II) STATE INSTITUTE OF ENCYCLOPEDIC PUBLICATIONS(KERALA) SOCIETY. THIRUVANANTHAPURAM-695014. BY SRI.C.K.KARUNAKARAN SMT.T.P.LEKSHMI VARMA SRI.N.P.PRAJEESH RESPONDENT(S): -----
1. STATE INSTITUTE OF ENCYCLOPEDIC PUBLICATIONS (KERALA) SOCIETY THIRUVANANTHAPURAM-695014 REPRESENTED BY ITS DIRECTOR.

2. BOARD OF TRUSTEES STATE INSTITUTE OF ENCYCLOPEDIC PUBLICATIONS (KERALA) SOCIETY THIRUVANANTHAPURAM-695014. REPRESENTED BY ITS MEMBER SECRETARY. BY GOVERNMENT PLEADER SRI.M.A.FAYAZ THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01-01-2013, THE COURT ON THE SAME DAY DELIVERED

THE FOLLOWING: W.P.(C) No.30216/2012 APPENDIX PETITIONER'S EXHIBITS EXT.P1 TRUE COPY OF THE G.O. MS NO. 73/76/H.EDN. DATED 31 5-1976. EXT.P2 TRUE COPY OF THE MEMORANDUM OF ASSOCIATION AND THE RULES RELATING TO THE ESTABLISHMENT OF THE 1ST RESPONDENT. EXT.P3 TRUE COPY OF THE MEMO NO. 1188/E4/05/SIEP DATED 18 4-2012. EXT.P4 TRUE COPY OF THE PETITIONERS REPLY DATED 27 4-2012. EXT.P5 TRUE COPY OF THE MEMO NO. 1188/E4/2005/SIEP DATED 11 9-2012. EXT.P6 TRUE COPY OF THE PETITIONERS REPLY DATED 26 9-2012. EXT.P7 TRUE COPY OF THE ORDER NO.1188/E4/2005/SIEP DATED 8 11-2012. EXT.P8 TRUE COPY OF THE MEMORANDUM OF APPEAL FILED BY THE PETITIONER. EXT.P9 TRUE COPY OF THE STATE INSTITUTE OF ENCYCLOPEDIA PUBLICATIONS (KERALA) SOCIETY CLASSIFICATION CONTROL AND APPEAL RULES 1984 RESPONDENTS' EXHIBITS NIL /TRUE COPY/ VPS PA TO JUDGE P.N.RAVINDRAN, J.

----- W.P.(C) No.30216 OF 201.----- Dated this the 1st day of January, 2013

JUDGMENT

The petitioner, who is presently working as Assistant Editor (Grade-II) in the State Institute of Encyclopedic Publications (Kerala) Society, Thiruvananthapuram, has filed this writ petition challenging Ext.P7 order dated 8.11.2012 issued by the Director of the State Institute of Encyclopedic Publications (Kerala) Society, Thiruvananthapuram imposing on him the punishment of barring of two increments without cumulative effect. The petitioner has also challenged the validity of rule 38(b) of the State Institute of Encyclopedic Publications (Kerala) Society Classification Control and Appeal Rules, 1984 as illegal and unconstitutional.

2. The pleadings and the materials on record disclose that aggrieved by Ext.P7 order dated 8.11.2012, the petitioner has filed Ext.P8 appeal under rule 38(b) of the State Institute of Encyclopedic Publications (Kerala) Society Classification Control and Appeal Rules, 1984 before the Board of Trustees of the State Institute of Encyclopedic Publications (Kerala) Society, Thiruvananthapuram. Though the petitioner challenges the validity of the said rule on the ground that the Director is

the Member Secretary of the Board of WPC No.30216/2012 2 Trustees, I am of the opinion that the said grievance of the petitioner can be redressed by directing that the Director will not sit as a member of the Board of Trustees while considering Ext.P8 appeal. In such circumstances, without going into the merits of the contention raised by the petitioner or the contentions which the respondents may have to advance in relation to the challenge to Ext.P7, I deem it appropriate to dispose of the writ petition with the following directions: (i) The Board of Trustees of the State Institute of Encyclopedic Publications (Kerala) Society shall dispose of Ext.P8 appeal filed by the petitioner from Ext.P7 order passed by the Director of the State Institute of Encyclopedic Publications (Kerala) Society, expeditiously and in any event within an outer limit of two months from the date on which the petitioner produces a certified copy of this judgment before the President of the State Institute of Encyclopedic Publications (Kerala) Society. (ii) The Director of the State Institute of Encyclopedic Publications (Kerala) Society, who passed Ext.P7 order as the disciplinary authority and who is ex-officio the Member Secretary of the Board of Trustees shall not sit as a member of the Board of Trustees while considering Ext.P8 appeal. (iii) In view of the fact that the punishment awarded is only WPC No.30216/2012 3 barring of two increments without cumulative effect and having regard to the fact that I am directing disposal of the appeal within two months, I deem it appropriate to direct that the order impugned in the appeal shall not be implemented until the appeal is disposed of. (iv) Needless to say, the Board of Trustees shall afford the petitioner an opportunity of being heard in person. (v) The Board of Trustees shall after orders are passed on the appeal, communicate a copy thereof to the petitioner expeditiously. P.N.RAVINDRAN, (JUDGE) vps WPC No.30216/2012 4 WPC No.30216/2012 5