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David Antony Vs. the Managing Director, Kerala State Road Transport

David Antony Vs. the Managing Director, Kerala State Road Transport

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Court : Kerala

Decided On : Jan-02-2014

Judge : Honourable Mr.Justice C.K.Abdul Rehim

Appellant : David Antony

Respondent : The Managing Director, Kerala State Road Transport

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM THURSDAY, THE2D DAY OF JANUARY201412TH POUSHA, 1935 WP(C).No. 29893 of 2013 (J) ---------- PETITIONER: ---------- DAVID ANTONY, AGED54YEARS, S/O.LATE K.T.ANTONY, KOTTACKAL HOUSE, RAMALLOOR, KOTHAMANGALAM P.O., PIN - 686 691, (INSPECTOR, KERALA STATE ROAD TRANSPORT CORPORATION, KOTHAMANGALAM DEPOT.). BY ADV. SRI.K.P.JUSTINE (KARIPAT). RESPONDENTS: ---------- 1. THE MANAGING DIRECTOR, KERALA STATE ROAD TRANSPORT CORPORATION, TRANSPORT BHAVAN, FORT P.O., THIRUVANANTHAPURAM - 23.

2. THE EXECUTIVE DIRECTOR (VIGILANCE), THE KERALA STATE ROAD TRANSPORT CORPORATION, TRANSPORT BHAVAN, FORT P.O., THIRUVANANTHAPURAM - 23.

3. SRI.P.A.RAVI, ASSISTANT TRANSPORT OFFICER, KERALA STATE ROAD TRANSPORT CORPORATION, KUMILY - 09. BY SRI. BABU JOSEPH KURUVATHAZHA, S.C. THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON0201-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: Prv. W.P.(C).NO.29893/2013-J: APPENDIX PETITIONER'S EXHIBITS: EXHIBIT P1. TRUE COPY OF THE DUTY PASS ISSUED BY THE RESPONDENT CORPORATION TO THE PETITIONER. EXHIBIT P2. TRUE COPY OF THE REGISTRATION CERTIFICATE OF PETITIONER'S WIFE ISSUED BY THE REGISTERING AUTHORITY. EXHIBIT P3. TRUE COPY OF BAIL

ORDER
IN CRL.M.P.NO.307/2012 PASSED BY THE COURT OF VACATION JUDGE, PATHANAMTHITTA DATED1904.2012. EXHIBIT P4. TRUE COPY OF

ORDER
NO.VLC.4/000981/12 DATED2004.2012 ISSUED BY THE2D RESPONDENT. EXHIBIT P5. TRUE COPY OF CHARGE SHEET NO.VLC.4000981/2012 ISSUED BY THE2D RESPONDENT. EXHIBIT P6. TRUE COPY OF MEMORANDUM NO.VLC.4000981/2012 DATED2111.2013 ISSUED BY THE2D RESPONDENT. EXHIBIT P7. TRUE COPY OF MEMORANDUM NO.STC/013442/13 DATED2910.2013 ISSUED BY THE RESPONDENT CORPORATION. EXHIBIT P8. TRUE COPY OF THE MEMORANDUM NO.STC/013442/13 DATED0411.2013 ISSUED BY THE RESPONDENT CORPORATION. RESPONDENTS' EXHIBITS: NIL. //TRUE COPY// P.A. TO JUDGE. Prv. C.K. ABDUL REHIM, J.

---------- W.P.(c) No. 29893 OF2013J ---------- DATED THIS THE2d DAY OF JANUARY, 2014.

JUDGMENT

Grievance of the petitioner is regarding promotion given to his juniors, overlooking his seniority, to the post of Assistant Transport Officer. Admittedly a disciplinary

proceedings is pending finalisation against the petitioner. It is also stated that the police had implicated him as accused in a criminal case based on the very same factual allegations. Learned Standing counsel for the respondent Corporation submitted that the petitioner cannot be promoted because of pendency of the disciplinary action as well as the criminal case.

2. Learned counsel appearing for the petitioner submitted that the disciplinary action was initiated as early as in year 2012 and Ext.P5 Memo of Charges was issued on 05-05-2012. But no further action to finalise the proceedings was taken by the respondents. It is also contended that no charge sheet has been submitted in the criminal case in which he is implicated as accused. W.P.(c) No.29893/2013 -2- Petitioner points out that, he has left only one year service for superannuation and the denial of promotion on the ground of non-finalisation of disciplinary action and the criminal case will work out in gross injustice.

3. Having regard to the factual situations prevailing, this court is of the opinion that a direction for finalisation of the disciplinary action initiated based on Ext.P5 Memo of Charges, within a time limit to be stipulated, will suffice to meet the ends of justice.

4. Therefore the writ petition is disposed of directing the 2nd respondent to finalise the disciplinary action initiated against the petitioner, at the earliest possible, at any rate within a period of 3 months from the date of receipt of a copy of this judgment.

5. Needless to observe that the petitioner should be considered for promotion on the basis of outcome of the disciplinary proceedings. Sd/- C.K. ABDUL REHIM, JUDGE. AMG True copy P.A to Judge

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