

Wills vs State of Kerala

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Court : Kerala

Decided On : Oct-26-2023

Judge : Honourable Mr. Justice Raja Vijayaraghavan V

Appeal No. : WP(C)/31084/2023

Appellant : Wills

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V THURSDAY, THE 26TH DAY OF OCTOBER 2023 / 4TH KARTHIKA, 1945 WP(C) NO. 31084 OF 2023 PETITIONER: WILLS AGED 43 YEARS S/O. WILSON, ARUMANOOR DESOM, ARUMANOOR DERBAVILA VEEDU, POOVAR VILLAGE, NEYYATTINKARA, THIRUVANANTHAPURAM, PIN - 695525 BY ADVS. V.G.ARUN (K/795/2004) NEERAJ NARAYAN V.JAYA RAGI R.HARIKRISHNAN (KAMBISSERIL) AVANEETH S.R. BHARATH VIJAYAN U.R. RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY THE SECRETARY TO GOVERNMENT, WATER RESOURCES DEPARTMENT, SECRETARIAT,

THIRUVANANTHAPURAM, PIN - 695001 2 THE KERALA WATER AUTHORITY REPRESENTED BY ITS MANAGING DIRECTOR, KERALA WATER AUTHORITY, JALA BHAVAN, VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN - 695033 3 MANAGING DIRECTOR KERALA WATER AUTHORITY, JALA BHAVAN, VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN - 695033 4 CHIEF ENGINEER KERALA WATER AUTHORITY, VASCO JALA BHAVAN, VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN - 695033 5 STELLA AGED 46 YEARS W/O. VINUKUMAR VARGHEES, JOTHIS HOUSE, VILAPPIL VILLAGE, KATTAKADA, THIRUVANANTHAPURAM, PIN - 695572

BY ADV GEORGIE JOHNY SMT MARY BEENA JOSEPH, SR. GOVERNMENT PLEADER SRI. P M JOHNY, SC FOR KWA THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26.10.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner has approached this Court seeking the following reliefs:

i) issue a writ of mandamus or any other appropriate writ, or order

directing the respondents 1 to 4 to invoke Rule 10 of the Kerala Civil Service (Classification, Control and Appeal) Rules against the 5th respondent and take action therein as per law.

ii) Issue a writ of mandamus or any other appropriate writ or order

directing 4th respondent to consider and dispose of Ext.P5 complaint within a time frame as fixed by this Honble Court, after hearing the petitioner and all the concerned.

2. The case of the petitioner is that the party respondent is his

cousin sister, and she has been working in the water authority as First Grade Overseer. There are some monetary disputes between the petitioner and the 5th respondent. This has led the petitioner to lodge a criminal complaint. It is stated that the Crime has been registered, and a final report has been laid. The petitioner asserts that in the said circumstances, representation was filed before the water authority to initiate action for invoking Rule 10 of Kerala Civil Service (Classification, Control, and Appeal) Rules. Complaining of inaction, the petitioner is before this Court.

3. The learned Standing Counsel appearing for the Water Authority

would point out that under Rule 10 of the CCA Rules, discretion is vested in the authority to take appropriate action after taking note of the facts and circumstances.

4. I find that Ext.P5 complaint has been preferred before the 4th respondent, and the same is pending consideration.

5. Having regard to the facts and circumstances and the submissions

made across the bar, without expressing any opinion on the merits of the contentions advanced by the petitioner, there will be a direction to the 4th respondent to take up the matter for consideration and pass appropriate orders on Ext.P5 as per procedure and in adherence to the provisions of law after affording an opportunity of being heard, either physically or virtually, to the petitioner herein as well as the party respondent. Orders, as directed above, shall be passed expeditiously, in any event, within a period of two months from the date of production of a copy of this judgment. It would be open to the petitioner to produce a copy of the writ petition along with the

judgment before the concerned respondent for further action.

This Writ Petition is disposed of. Sd/- RAJA VIJAYARAGHAVAN V, JUDGE IAP
APPENDIX OF WP(C) 31084/2023 PETITIONERS EXHIBITS: Exhibit P1 THE

TRUE COPY OF C.M.P NO.7 OF 2022 FILED BEFORE JFMC - II, NEYYATTINKARA Exhibit P2 THE TRUE COPY OF THE FIR NO.249 OF 2022 REGISTERED BY POOVAR POLICE DATED 04.04.2022 Exhibit P3 THE TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT DATED 06.08.2022 Exhibit P4 THE TRUE COPY OF THE FINAL REPORT DATED 25.07.2022 IN POOVAR POLICE STATION CRIME NO.249/2022 FILED BEFORE JFMC -II, NEYYATTINKARA Exhibit P5 THE TRUE COPY OF THE COMPLAINT DATED 29.12.2022 FILED BY THE PETITIONER BEFORE THE CHIEF ENGINEER, WATER AUTHORITY Exhibit P6 THE TRUE COPY OF THE ACKNOWLEDGEMENT CARD EVIDENCING RECEIPT OF EXHIBIT P5 COMPLAINT

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