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Sajikumar R vs State of Kerala

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Court : Kerala

Decided On : Oct-03-2023

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/32280/2023

Appellant : Sajikumar R

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN TUESDAY, THE 3RD DAY OF OCTOBER 2023 / 11TH ASWINA, 1945 PETITIONER: SAJIKUMAR R AGED 54 YEARS S/O RAVEENDRAN, ANUGRAHA, XI/72-D. PADAMUGAL, KAKKANAD P.O. ERNAKULAM DISTRICT, PIN - 682030 BY ADVS. RESHMA E. ANNA SONIE FATHIMA SAREENA MOHAMMAD RESPONDENTS:

1 STATE OF KERALA REPRESENTED BY ITS SECRETARY, DEPARTMENT OF INDUSTRIES AND COMMERCE GOVERNMENT SECRETARIAT, STATUE, THIRUVANATHAPURAM,KERALA, PIN - 695001 2 THE HLL LIFECARE LIMITED (A GOVERNMENT OF INDIA

ENTERPRISE). CORPORATE AND REGISTERED OFFICE AT HLL BHAVAN, POOJAPPURA P.O., THIRUVANANTHAPURAM, PIN - 695012 3 HARIKRISHNAN K.P (AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER) DEPUTY VICE PRESIDENT (PROJECTS), THE HLL LIFECARE LIMITED. CORPORATE AND REGISTERED OFFICE AT HLL BHAVAN, POOJAPPURA P.O. THIRUVANANTHAPURAM-, PIN -

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03.10.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner states to be apprehensive that their contract will be terminated by the 2 nd respondent, even without hearing him.

2. However, I do not think that the afore apprehension is

well founded because, going by Ext.P8 judgment, the 2 nd respondent has been specifically directed to call for the explanation of the petitioner and to hear him, before any detrimental orders are passed against him. In fact, I notice that Ext.P11 notice has been issued to the petitioner for such purpose.

3. Sri.Paulose C. Abraham, appearing for the 2 nd

respondent, affirmed that Ext.P11 has been issued in obedience to the directions in Ext.P8 judgment; and added that petitioner's version will be appropriately considered, before any further action is taken and concluded. He however, then submitted that, Ext.P10 cannot be considered by his client, since it has been preferred before the Government - who is not a party to the contract.

4. There is some force in the afore submissions of

Sri.Paulose C. Abraham because, when this Court has already directed the 2nd respondent to hear the petitioner, after calling for their explanation, they were fully

within their powers to have issued Ext.P11 notice, calling for such. If the petitioner has any explanation to offer, they must certainly do so to the 2 nd respondent and not to the 1st respondent, as has now been done through Ext.P10. In the afore circumstances, recording the afore submissions of Sri.Paulose C. Abraham, I close this Writ Petition; however, leaving full liberty to the petitioner to file their explanation before the 2nd respondent pursuant to Ext.P11 and to invoke every other remedy as may be available to them in future as per law. Sd/-DEVAN RAMACHANDRAN, JUDGE lsn APPENDIX OF WP(C) 32280/2023 PETITIONER EXHIBITS Exhibit P1 A TRUE COPY OF OF THE REGISTRATION CERTIFICATE NO. PWD/CIVIL/2371/2021-22 ISSUED TO THE PETITIONER Exhibit P2 A TRUE COPY OF THE ITEM RATE BILL OF QUANTITY ISSUED BY THE RESPONDENTS TO THE PETITIONER Exhibit P3 A TRUE COPY OF THE WORK NO.

HLL/CHO/PROJ/EXT/KSDP/ADMN/WO/2022 DATED 15.11.2022 ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER Exhibit P4 A TRUE COPY OF THE LETTER NO. RS/076/2022-23 DATED 20.11.2022 ISSUED BY THE PETITIONER TO THE RESPONDENT Exhibit P5 A TRUE COPY OF THE TRANSACTION RECEIPT BEARING TRANSACTION REFERENCE NO. 0948522BG0000016 DATED 28.11.2022 I Exhibit P6 A TRUE COPY OF THE SHOW CAUSE NOTICE BEARING NO. HLL/CHO/PROJ/EXT/KSDP/ADMN/WO/2022 COUR DATED 19.08.2023 ISSUED BY THE RESPONDENTS TO THE PETITIONER

Exhibit P7 A TRUE COPY OF THE LETTER SENT AS EMAIL ON 18.08.2023 BY THE RESPONDENTS TO THE PETITIONER Exhibit P8 THE TRUE COPY OF THE JUDGMENT DATED 22.08.2023 BY THIS HON'BLE COURT IN WRIT PETITION WP(C) NO. 28006 OF 2023 Exhibit P9 THE TRUE COPY OF EXPLANATION DATED 22.09.2023 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT Exhibit P10 THE TRUE COPY OF THE REPRESENTATION DATED 25.09.2023 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT Exhibit P11 THE TRUE COPY OF THE HEARING NOTICE DATED 27.09.2023 SENT BY THE 2ND RESPONDENT TO THE PETITIONER Exhibit P12 THE TRUE COPY OF THE LETTER DATED 29.09.2023 SENT BY

THE PETITIONER TO THE 2ND RESPONDENT RESPONDENTS EXHIBITS: NIL TRUE COPY P.A TO JUDGE LSN

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