

Peter John vs State of Kerala

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Court : Kerala

Decided On : Jan-03-2023

Judge : Honourable Mr. Justice Raja Vijayaraghavan V

Appeal No. : WP(C)/42840/2022

Appellant : Peter John

Respondent : State of Kerala

Judgement :

WP(C) NO. 42840 OF 2022 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V TUESDAY, THE 3RD DAY OF JANUARY 2023 / 13TH POUSHA, 1944 WP(C) NO. 42840 OF 2022 PETITIONER: PETER JOHN S/O. P.P. JOHN, PALLIKUNNAL, VELANILLAM P.O., MUNDAKAYAM, KOTTAYAM DISTRICT PIN - 686514 BY ADVS. SUNIL V.MOHAMMED MANOJ N. AJITHA APPU M.S.NEETHUMOL DELLA MARIAM THOMAS RESPONDENTS:

1 STATE OF KERALA REP. BY ITS SECRETARY TO GENERAL
EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM PIN - 695001 2 DIRECTOR GENERAL OF
EDUCATION THIRUVANANTHAPURAM, PIN - 695014 3 DISTRICT
EDUCATIONAL OFFICER THIRUVALLA, PATHANAMTHITTA
DISTRICT, PIN - 689101 4 CORPORATE MANAGER CMS SCHOOLS,
DIOCESE OF MADHYA KERALA, BISHOP GILL MEMORIAL
BUILDING, CATHEDRAL ROAD, KOTTAYAM DISTRICT PIN - 686001

WP(C) NO. 42840 OF 2022 2 5 HEADMASTER C.M.S. HIGHER
SECONDARY SCHOOL, MALLAPPALLY WEST, PATHANAMTHITTA
DISTRICT PIN - 689584 SMT NISHA BOSE, SR GOVERNMENT
PLEADER THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 03.01.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: WP(C) NO. 42840 OF 2022 3

JUDGMENT

The petitioner has approached this Court challenging the termination of his service while he was working as a Peon. He has sought for the following reliefs in this writ petition.

i) Call for the records leading to Ext.P8 and P9 and Ext.P11 to P14 and to quash the same by issuing a Writ of Certiorari or any other writ, order or direction. ii) declare that the sanction for a lesser punishment than termination from service ordered in Ext.P13 by the Educational Authority was sufficient enough in the facts and circumstances of the case and that the petitioner is eligible to re-join service from 04.10.2013 and further for all consequential benefits. iii) issue a writ of mandamus or any other appropriate writ,

order or direction directing the 1st respondent to consider and pass

orders on Ext.P15 adverting to all relevant records, orders and statutory mandates and after affording an opportunity of hearing to the petitioner, within a time frame.

2. When the matter was taken up for consideration, Sri.Sunil V.

Mohammed, the learned counsel appearing for the petitioner, submits that challenging the legality of Exts P9 to P14, the petitioner has preferred Ext.P15 revision petition before the 1st respondent, which is stated to be pending. The learned counsel submits that for the time being, the WP(C) NO. 42840 OF 2022 4 petitioner would be satisfied if directions are issued to the 1st respondent to consider Ext.P15 and take a decision expeditiously, with notice to the petitioner.

3. I have heard the learned Government Pleader. In view of the

order that I propose to pass, notice to respondents 4 and 5 is dispensed

with.

4. After having carefully evaluated the contentions raised in this

writ petition, the submissions made across the Bar, and the facts and circumstances, I am of the view that this writ petition can be disposed of by issuing the following directions: a) There will be a direction to the 1st respondent to take up, consider and pass appropriate orders on Ext.P15 after affording an opportunity of being heard, either physically or virtually, to the petitioner herein or his authorized representative and the respondents 4 and 5. b) Orders, as directed above, shall be passed expeditiously, in any event, within four months from the date of production of a copy of this judgment. c) It would be open to the petitioner to produce a copy of the writ WP(C) NO. 42840 OF 2022 5 petition along with the judgment before the concerned respondent for further action. This writ petition is disposed of. Sd/- RAJA VIJAYARAGHAVAN V JUDGE IAP WP(C) NO. 42840 OF 2022 6 APPENDIX OF WP(C) 42840/2022 PETITIONER'S EXHIBITS: Exhibit P1 TRUE COPY OF THE APPOINTMENT ORDER DATED 23.10.1989 ISSUED BY THE 4TH RESPONDENT WITH APPROVAL OF THE EDUCATIONAL AUTHORITY Exhibit P2 TRUE COPY OF THE APPOINTMENT ORDER DATED

01.02.1992 ISSUED BY THE 4TH RESPONDENT WITH APPROVAL OF THE EDUCATIONAL AUTHORITY Exhibit P3 TRUE COPY OF THE TRANSFER ORDER DATED 13.05.2006 ISSUED BY THE 4TH RESPONDENT Exhibit P4 TRUE COPY OF THE NOTICE DATED 19.07.2013 ISSUED BY THE 4TH RESPONDENT Exhibit P5 TRUE COPY OF THE SHOW CAUSE NOTICE DATED 26.08.2013 ISSUED BY THE 4TH RESPONDENT Exhibit P6 TRUE COPY OF THE EXPLANATION DATED 31.07.2013 SUBMITTED BY THE PETITIONER Exhibit P7 TRUE COPY OF THE REQUEST DATED 11.09.2013 SUBMITTED BY THE PETITIONER ALONG WITH POSTAL ACKNOWLEDGMENT CARD Exhibit P8 TRUE COPY OF THE SHOW CAUSE NOTICE DATED 26.05.2014 ISSUED BY THE 4TH RESPONDENT Exhibit P9 TRUE COPY OF THE MEMO OF CHARGES DATED 23.09.2014 ISSUED BY THE 4TH RESPONDENT Exhibit P10 TRUE COPY OF THE NOTICE DATED 09.12.2014 ISSUED BY THE 2ND RESPONDENT Exhibit P11 TRUE COPY OF THE ENQUIRY REPORT DATED WP(C) NO. 42840 OF 2022 7 02.01.2015 ISSUED BY THE 3RD RESPONDENT Exhibit P12 TRUE COPY OF THE SHOW CAUSE NOTICE DATED 30.06.2015 ISSUED BY THE 4TH RESPONDENT Exhibit P13 TRUE COPY OF THE TERMINATION ORDER DATED 22.04.2016 OF THE 4TH RESPONDENT Exhibit P14 TRUE COPY OF THE ORDER DATED 27.05.2016 ISSUED BY THE 3RD RESPONDENT Exhibit P15 TRUE COPY OF THE REVISION PETITION DATED 22.07.2020 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT ALONG WITH POSTAL RECEIPT Exhibit P16 TRUE COPY OF THE COMPLAINT DATED 31.01.2014 SUBMITTED BY SMT. ANNIAMMA ABRAHAM RESPONDENTS' EXHIBITS: NIL

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