

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.N.RAVINDRAN

FRIDAY, THE 24TH JULY 2009 / 2ND SRAVANA 1931

WP(C).No. 20851 of 2009(B)

PETITIONER(S):

A.R. VIJAYALEKSHMI , AGED 50 YEARS,
W/O. P.K. ARAVINDAN,
ASSISTANT DIRECTOR OF AGRICULTURE (UNDER
SUSPENSION) PUTHENPURACKAL NO:4, PATHIYOOR
HOUSE, KEERIKKAD P.O., KARTHIKAPPALLY TALUK,
ALAPPUZHA DIST.

BY ADV. MR.KISHOR B.

RESPONDENT(S):

STATE OF KERALA, REPRESENTED BY
ADDITIONAL CHIEF SECRETARY & AGRICULTURAL
PRODUCTION COMMISSIONER, AGRICULTURE (ESTT: A)
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

BY SR. GOVT. PLEADER SMT.ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24/07/2009, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

P.N.RAVINDRAN, J.

W.P.(C)No.20851 of 2009

Dated 24th July, 2009

JUDGMENT

Heard Sri.Kishor. B, the learned counsel appearing for the petitioner and Smt.Anu Sivaraman, the learned Senior Government Pleader appearing for the respondents.

2. The petitioner, an officer in the category of Assistant Director of Agriculture was placed under suspension by Ext.P1 Government order dated 11.12.2008. Thereafter, Ext.P3 memo of charges and statement of allegations of misconduct were also served on her and she submitted Ext.P4 reply dated 25.5.2009. The petitioner submits that till date, final orders have not been passed in the disciplinary action and that the request made by her in Ext.P6 to review the order of suspension has also not been considered.

3. Paragraph 17 of the Manual for Disciplinary Proceedings stipulates that cases of Government servants who are continuing under suspension for a period of six months pending disciplinary proceedings initiated against them have to be reviewed. It is also stipulated that it will be desirable to limit the maximum period of suspension of the officers in such cases to six months in the normal circumstances and to reinstate them in service without prejudice to the

disciplinary proceedings pending against them. It is further stipulated that in exceptional cases where it is not possible to adhere to this time limit, the authority which placed the officer under suspension should report the facts to the next higher authority and such higher authority should review the case. In the instant case, the order of suspension was passed by the Government on 11.12.2008. More than seven months have passed thereafter. Going by the nature of the allegations levelled against the petitioner in Ext.P3 memo of charges and the fact that the petitioner has been continuing under suspension for the past more than seven months, I am of the opinion that the request made by the petitioner in Ext.P6 should be considered by the Government.

I accordingly dispose of this writ petition with a direction to the respondents to consider the request made by the petitioner in Ext.P6 and pass orders thereon expeditiously and in any event within four weeks from the date on which the petitioner produces a certified copy of this judgment before the Additional Chief Secretary to Government and Agricultural Production Commissioner. The Additional Chief Secretary to Government and Agricultural Production Commissioner shall also afford the petitioner a reasonable opportunity of being heard before passing orders as directed above.

P.N.RAVINDRAN
Judge

TKS