
(2026) 02 KL CK 1717

In the High Court Of Kerala

Case No : Writ Petition (C) No.17528 Of 2025

Babilu Sankar

APPELLANT

Vs

Sree Padmanabha Swamy Temple

RESPONDENT

Date of Decision : 27-02-2026

Acts Referred:

Mathilakam Service Rules, 1963 — Rule 2(8), 8, 18, 22(1), 49

Citation : (2026) 02 KL CK 1717

Hon'ble Judges : N. Nagaresh, J

Bench : Single Bench

Advocate : C.S. Manu, Dilu Joseph, C.A. Anupaman, T.B. Sivaprasad, Neethu.K. Shaji, C.Y. Vijay Kumar, Manju E.R., Alint Joseph, Paul Jose, Dainy Davis, Rilna Radhakrishnan, Mahesh Kumar K., R. Suraj Kumar

Final Decision : Allowed

Judgement

N. Nagaresh, J

1. The petitioner is holding the post of Senior Upper Division Clerk in the Mathilakam office of Sree Padmanabha Swamy Temple. This writ petition is filed aggrieved by Exts.P5 and P18 orders by which the petitioner has been declared as ceased to be an employee of the Temple.

2. The petitioner states that he has rendered many years of unblemished service in the Temple. In the year 2023, the petitioner submitted Ext.P1 complaint dated 28.01.2023 to the Chairman of the Administrative Committee pointing out certain irregularities. Instead of enquiring into the complaint, the petitioner was issued with Ext.P2 charge memo dated 01.04.2023 alleging that the petitioner is purportedly making reckless and baseless imputations against the Administrative Committee. The petitioner submitted Ext.P3 reply. The respondents initiated disciplinary proceedings.

3. While the inquiry was going on, the respondents arbitrarily reverted the petitioner from the post of Senior UDC to the post of Store Keeper, as per Ext.P5

order dated 17.02.2023. The petitioner hence filed W.P.(C) No.17504/2023. This Court allowed the writ petition in part as per Ext.P6 judgment dated 11.08.2023. The Administrative Committee was directed to consider the petitioner's objection to the memo of charges. The petitioner was permitted to approach the Executive Officer with an application for leave.

4. To the surprise of the petitioner, on the very same day, the 2nd respondent issued Ext.P7 fresh memo of charges framing additional charges for unauthorised absence from duty. The petitioner submitted reply to Ext.P7 enclosing Medical Certificate to show that he was suffering from non alcoholic liver cirrhosis with complications of intermittent spitting of blood, which incapacitated him from working inside the Temple premises.

5. The disciplinary authority, however, proceeded with the enquiry. By Ext.P10 letter dated 06.11.2024, the petitioner requested the respondents to drop the enquiry proceedings. The petitioner could not attend all the inquiry sittings due to persisting medical condition. The Enquiry Officer proceeded ex-parte without accommodating his request for adjournment on medical grounds. The Enquiry Officer submitted Ext.P12 Enquiry Report holding the charges as proved.

6. The petitioner was required to show-cause as to why major punishment should not be imposed, proposing the punishment of demotion from the Cadre of Senior UDC. The writ appeals preferred by the petitioner were dismissed as per Ext.P14 judgment.

7. To the surprise of the petitioner, while the disciplinary proceedings were pending, the 2nd respondent issued Ext.P13 Show-cause Notice dated 07.01.2025 alleging that the petitioner was found guilty of misconduct under Rule 22(1) and Rule 18 of Chapter 4A of the Mathilakam Service Rules, 1963 requiring the petitioner to show-cause why he should not be removed from service. Ext.P13 imputed that the petitioner did not submit any reply to the memo of charges, which is factually incorrect, contends the petitioner.

8. After receiving Ext.P17 representation, the 3rd respondent issued Ext.P18 order whereby the petitioner was declared to have ceased to be in service, as a disciplinary punishment. The petitioner states that Ext.P18 arbitrarily penalised and punished the petitioner. Exts.P5 and P18 orders are illegal and unsustainable and are liable to be set aside.

9. The respondents filed a counter affidavit. The respondents asserted that Ext.P18 order has been issued strictly in accordance with the Mathilakam Rules governing the affairs of the Sree Padmanabha Swamy Temple, Thiruvananthapuram. As per Chapter 6 Rule 49 of the Mathilakam Rules, an employee is entitled to 30 days of medical leave within a completed year of service. Therefore, the petitioner's application for medical leave was rejected with a direction to apply for any other category of leave to which he is eligible.

10. As the petitioner was abstaining from duty since 16.04.2023 without proper

authorisation or sanctioned leave, two notices dated 27.05.2023 and 07.08.2023 were issued to him directing to rejoin duty forthwith. The petitioner failed to report for duty. Consequently, a memo of charges was issued to him on 11.08.2023 for unauthorised absence, which is violation of Chapter 4A Rule 22.1 and Chapter 4A Rule 18 of Mathilakam Rules.

11. A copy of Enquiry Report was duly served on the petitioner and the petitioner submitted a representation wherein he expressed an unconditional apology. After considering the reply, the disciplinary authority proposed the penalty of dismissal from service. The petitioner was given notice and he submitted a reply. The petitioner was thereafter called for a personal hearing. The petitioner failed to appear for hearing. The petitioner has been persistently evading his duty and sought to delay the disciplinary proceedings.

12. The respondents specifically submitted that Ext.P18 order dated 31.03.2025 which is under challenge in the present proceedings, has not been issued as part of any disciplinary proceedings initiated against the petitioner. It has been passed strictly in accordance with Rule 2(8) of the Mathilakam Rules. As per the said Rule, any employee who remains absent from duty, whether on leave or otherwise, for a continuous period exceeding 1½ years, shall be deemed to be no longer in the service of the Temple.

13. The respondents submitted that the Mathilakam Rules came into force with effect from 01.04.1963 and they were formulated in consideration of the unique nature of the duties and responsibilities entrusted to the employees of Sree Padmanabha Swamy Temple. The respondents submitted that there may not be an exact replica of these rules elsewhere. But, similar regulations exist in various Temple Administrations across India. The writ petition is therefore without any merit and it is liable to be dismissed.

14. I have heard the learned counsel for the petitioner and the learned Standing Counsel representing the respondents.

15. The petitioner is in service of the Temple for long. While the petitioner was working as Senior UDC, Ext.P2 memo of charges dated 01.04.2023 was served on him on an allegation that he has made reckless and baseless imputations against the Administrative Committee. The petitioner submitted reply. The petitioner filed W.P.(C) No.5229/2023 challenging the enquiry proceedings. The petitioner had also filed W.P.(C) No.17504/2023 challenging continuation of the disciplinary proceedings.

16. Both the writ petitions were disposed of by Ext.P4 common judgment wherein the Administrative Committee was directed to consider the objections of the petitioner. The judgment also directed the petitioner to approach the Executive Officer of the Temple with application for leave under the applicable heads. This Court directed the respondents to consider such application adverting to his medical condition and if necessary, after assessing the medical condition through proper methods.

17. Ext.P6 judgment is dated 11.08.2023. On the very same day, the 2nd respondent issued a fresh charge memo alleging unauthorised absence from duty. The petitioner states that he was remaining absent due to a serious physical condition of non alcoholic liver cirrhosis with complications like intermittent spitting of blood etc. Ext.P11 Medical Certificate dated 04.12.2023 issued by Ananthapuri Hospital would evidence the same. The Enquiry Officer submitted Ext.P12 Enquiry Report holding that the following charges as proved:

(1) The delinquent failed to attend duty while working as a Senior Clerk in Sree Padmanabha Swamy Temple, without prior intimation or permission, thereby violated Chapter 4A Rule 22.1 of the Mathilakam Service Rules.

(2) Despite being served with notices dated 27.05.2023 and 07.08.2023, requiring him to rejoin duty within three days due to the staff shortage at the Temple, the delinquent failed to comply with the directions issued, thereby violated Chapter 4A Rule 18 of the Mathilakam Service Rules.

18. After issuing a show-cause notice based on the Enquiry Report, it appears that respondents 2 and 3 abandoned the disciplinary proceedings and instead issued Ext.P18 order dated 31.03.2025, purportedly under the Mathilakam Service Rules. Ext.P18 states that the petitioner has been absent and eligible leave was granted for the period upto 15.04.2023. The petitioner has been remaining unauthorisedly absent since 16.04.2023. Ext.P18 proceeds to state that the Medical Certificates issued by the Doctors do not indicate that he is not in a position to attend duties and his presence near the Temple premises occasionally shows that his health condition is not so worse so as to be absent from duty. This conclusion is arrived at without any medical examination even though in Ext.P6 judgment this Court had observed that the petitioner's medical condition should be considered through proper method, if required. In spite of notice, the petitioner has not rejoined duty. Therefore, in exercise of the powers under Rule 8 Chapter 2 of the Mathilakam Service Rules, 1963, the petitioner has been declared as ceased to be an employee under the Mathilakam service.

19. The Mathilakam Service Rules have been framed by the Raja of Travancore as a Trustee of the Temple Administration. The Mathilakam Service Rules consist of conditions of service of Sree Padmanabha Swamy Temple employees. The Rules came into force with effect from 01.04.1963. Rule 8 Chapter 2 of the Mathilakam Service Rules reads as follows:

8. If an employee is absent from duty for a period of 1½ years continuously, and the appointing authority does not take a decision to the contrary within a period of 1½ years from the date of the last day of absence, the employee shall be deemed to have resigned from service.

9. If an employee is absent from duty for a period of 1½ years continuously, and the appointing authority does not take a decision to the contrary within a period of 1½ years from the date of the last day of absence, the employee shall be deemed to have resigned from service.

Rule 8 shows that if a temple employee remains absent from duty for 1½ years continuously, and the appointing authority does not take a decision to the contrary within a period of 1½ years from the date of the last day of absence, the employee shall be deemed to have resigned from service.

contrary taking into account special circumstances, then such person will cease to be an employee under the service.

20. A reading of Rule 8 would indicate that it has been framed to apply in situations where an employee remains absent from duty for more than 1½ years, whether the absence is availing leave or otherwise. Therefore, even if an employee absent himself from duty for 1½ years continuously, the appointing authority will be empowered to declare that the employee ceases to be in the service of the Temple, unless the appointing authority takes a decision to the contrary.

21. The Rule therefore applies automatically. On conditions being satisfied, the person will cease to be an employee by operation of law. Nevertheless, even in such cases, wherever possible a show-cause notice will have to be issued to such an employee before declaring him to be "ceased to be in service" and principles of natural justice should be complied with. This is because an order under Rule 8 of the Mathilakam Rules is passed without conducting a confronted domestic enquiry. Even an employee who may have justifiable reasons for being absent from service for such duration, will be liable to be declared as "ceased to be an employee".

22. Going by the nature of the Rule and purpose behind it, when action is taken under the Rules and orders are passed, such orders shall not attach stigma on the employee, because an order under Rule 8 Chapter 2 of the Mathilakam Rules is not passed after conducting a domestic enquiry adhering to the principles of natural justice.

23. In the case of the petitioner, the respondents have conducted a domestic enquiry and drawn up an Enquiry Report. At that stage, the domestic enquiry proceedings are abandoned and the petitioner has been declared as "ceased to be an employee" invoking Rule 8. Ext.P18 order passed against the petitioner categorically states that the petitioner has been unauthorisedly present in the Temple and surroundings when VIPs visit the Temple. Ext.P18 states that without any serious medical condition, the petitioner has remained absent. Ext.P18 further proceeds to state that the petitioner has refused to join duty in spite of instructions and he has not appeared in the enquiry in person. Ext.P18 concludes that the action of the petitioner amounts to defiance and disrespect to the Temple Administration.

24. These findings / observations in Ext.P18 are clearly stigmatic and could not have been made otherwise than through a confronted enquiry conducted in compliance of the well settled principles of natural justice. I also find that reversion of the petitioner from the post of Senior UDC to the post of Store Keeper as per Ext.P5 amounts to a penalty, which has been imposed without and before finalising the disciplinary proceedings against the petitioner. Exts.P5 and P18 are therefore liable to be set aside.

The writ petition is therefore allowed and Exts.P5 and P18 orders are set aside.

The respondents are directed to reinstate the petitioner in service forthwith.