

(2021) 06 KL CK 0123
In the High Court Of Kerala
Case No : Writ Petition (C) No.8494 Of 2021

Sunil Kumar P

APPELLANT

Vs

Kerala State Road Transport Corporation

RESPONDENT

Date of Decision : 09-06-2021

Acts Referred:

Citation : (2021) 06 KL CK 0123

Hon'ble Judges : C. S. Dias, J

Bench : Single Bench

Advocate : N.Sasidharan Unnithan, T.P.Sajan

Final Decision : Allowed

Judgement

C.S.Dias, J

1. The petitioner claims to be a permanent driver of the first respondent Corporation. He is aggrieved by the punishment of removal from service imposed on him.

2. It is the case of the petitioner that he entered service of the first respondent in 2008. He had applied for five years leave for the purpose of

employment abroad, which was sanctioned by the first respondent. Before the expiry of the leave, the petitioner applied for extension by another five

years, which was also sanctioned by Ext P1. While the petitioner was continuing on leave, he came to learn that the first respondent was proposing to

cancel the leave sanctioned to all its employees employed abroad. The petitioner returned to India and requested the first respondent to re-admit him

in service. It was then that he was informed that he was removed from service and a communication was sent to his address as per Ext P2 enclosing

Ext P3 order. The petitioner received Exts P2 and P3 only on 16.12.2020 after he

returned from abroad. The petitioner met the Managing Director

â?" the first respondent and submitted Ext P4 representation. He was told that a suitable decision would be taken in the matter. As Ext P4

representation did not evoke any response, the petitioner again submitted Ext P5 representation. Nevertheless no action has been taken. Ext P3 order

removing the petitioner from service is per se illegal, unjust and unsustainable in law. There was no charge memo issued against the petitioner and he

was not put on notice as provided under the Kerala Civil Servants (Classification, Control and Appeal) Rules. This Court, in similar circumstances, by

Ext P6 judgment has set aside removal of service of a similarly situated employee. The petitioner is entitled for the same relief.

Hence he seeks to quash Ext P3 order and direction to reinstate him in service.

3. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

4. Taking into account the pleadings and materials on record, particularly the undisputed fact that no notice or disciplinary proceedings were initiated

against the petitioner before Ext P3 order was issued, I am of the opinion that the entire proceedings leading to the petitioner's removal from service is

in rudimentary violation of the principles of natural justice. The learned Standing Counsel appearing for the respondents fairly conceded that Ext P6

judgment has become final and that the petitioner is also entitled for a similar relief.

In the result, the writ petition is allowed. Ext P3 order is quashed. The respondents are forthwith directed to reinstate the petitioner in service. The

petitioner shall report to the Depot where he was working prior to his termination, and the first respondent shall consider the manner of regularization

of the period of the petitioner's absence from service.