
(2023) 03 KL CK 0029
In the High Court Of Kerala
Case No : Writ Petition (C) No.7030 Of 2023

Vijayappan C

APPELLANT

Vs

Kerala Road Transfer Corporation

RESPONDENT

Date of Decision : 02-03-2023

Acts Referred:

Kerala Civil Services (Control, Classification and Appeal) Rules, 1960 — Rule 23

Citation : (2023) 03 KL CK 0029

Hon'ble Judges : Sathish Ninan, J

Bench : Single Bench

Advocate : Deepu Thankan, Molty Majeed

Final Decision : Dismissed

Judgement

Sathish Ninan, J.

1. The petitioner is a driver in the first respondent Corporation. Pursuant to a disciplinary proceeding initiated against him, he was found guilty and punishment was imposed; Ext.P3 is the order.
2. The petitioner has approached this Court challenging Ext.P3 order contending that there was a criminal case registered against him on the very same allegations as C.C No.1696 of 2014 and that he has been acquitted therein. Therefore Ext.P3 order is to be quashed, is the contention.
3. Heard the learned counsel on either side.
4. The fact that the petitioner was acquitted by the criminal court does not automatically entail discharge from the disciplinary proceedings. Departmental proceeding is independent of criminal proceedings. Acquittal by the criminal court will not entail a discharge in the departmental proceeding.
5. If the petitioner is aggrieved by Ext.P3 order passed in the disciplinary proceedings, he can avail the appellate remedy in terms of Rule 23 of the Kerala Civil Services (Control, Classification and Appeal) Rules, 1960.

Without prejudice to the petitioner's right to avail the appellate remedy, the writ petition is dismissed.