



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

WEDNESDAY, THE 6TH DAY OF JUNE 2018 / 16TH JYAISHTA, 1940

WP(C).No. 15103 of 2018

PETITIONER

PADMAKUMAR.K,
AGED 53 YEARS, S/O.DR.P KRISHNAN NAIR, 11F,
SAMRUDHITHAMPURANS, THAMPURANMUKKU,
TRIVANDRUM - 695035.

BY ADV.SMT.S.SUJINI

RESPONDENT(S) :

1. THE SECRETARY,
PUBLIC SECTOR RESTRUCTURING & INTERNAL AUDIT BOARD,
(RIAB),USRA -54,UDARASIROMANI ROAD, VELLAYAMBALAM,
TRIVANDRUM - 695 010.
2. STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY,
INDUSTRIES & COMMERCE DEPARTMENT, GOVERNMENT SECRETARIAT,
TRIVANDRUM - 695 001.
3. PUBLIC SECTOR RESTRUCTURING & INTERNAL AUDIT BOARD (RIAB)
REPRESENTED BY ITS CHAIRMAN (FULL TIME), USRA - 54,
UDARASIROMANI ROAD,VELLAYAMBALAM, TRIVANDRUM - 695 010.

R1 BY ADVS. SRI.T.A.SHAJI (SR.)

SRI.ATHUL SHAJI

R2 BY SRI.K.V.SOHAN, STATE ATTORNEY

BY ADV.SRI.M.GOPIKRISHNAN NAMBIAR,SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06-06-2018,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.V.



2

P.V.ASHA J.

W.P.(C).No.15103 of 2018

Dated this the 6th day of June, 2018

JUDGMENT

Petitioner claims re-instatement and payment of subsistence allowance.

2. For this purpose, he has submitted Ext.P29 representation before the 1st respondent. Along with I.A. No.9038/2018, petitioner has produced Ext.P30 representation stated to have been submitted before the Additional Chief Secretary to Government.

3. The learned counsel for petitioner submits that petitioner would be satisfied with a direction to the 2nd respondent to consider Ext.P30 representation.

4. I heard the learned counsel for the 1st respondent as well as the learned State Attorney,

also.

In view of the limited relief sought, this writ petition is disposed of with a direction to the 2nd respondent to consider Ext.P30 representation after affording an opportunity of hearing to petitioner, and pass orders on it, in accordance with law, within a period of 'two months' from the date of receipt of a copy of this judgment.

Sd/-

P.V.ASHA, JUDGE.

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1	PROFILE OF THE PETITIONER SHOWING THE ACADEMIC AND HIS PROFESSIONAL CREDENTIALS.
EXHIBIT P2	TRUE COPY OF THIS REQUEST FROM THE 2ND RESPONDENT TO THE DIRECTOR CENTRE FOR MANAGEMENT DEVELOPMENT (CMD) VIDE LETTER NO. 12281/H1/1998/ID DATED 02.05.1998.
EXHIBIT P3	TRUE COPY OF G.O(RT) NO.934/98/ID DATED 08.10.1998 SANCTIONING OF THE DEPUTATION OF THE PETITIONER AS BUSINESS ANALYST IN RIAB.
EXHIBIT P4	TRUE COPY OF G.O(RT) NO. 313/99/ID DATED 30.03.1999 APPOINTING THE PETITIONER AS SECRETARY, RIAB CONTINUING THE DEPUTATION FROM CMD.
EXHIBIT P5	TRUE COPY OF THE G.O(RT) NO.664/2011/ID DATED 11.05.2011 REGULARISING THE PETITIONER AS SECRETARY OF RIAB.
EXHIBIT P6	TRUE COPY G.O(RT)NO. 1225/2011/ID DATED 01.10.2011 ENTRUSTING THE PETITIONER WITH FULL ADDITIONAL CHARGE OF THE MANAGING DIRECTOR OF MALABAR CEMENTS LTD.
EXHIBIT P7	SNAPSHOT OF THE PERFORMANCE OF MALABAR CEMENTS LTD DURING THE TENURE OF THE PETITIONER AS MANAGING DIRECTOR.
EXHIBIT P8	TRUE COPY OF THE GOVERNMENT DECISION AND THE LEGAL POSITION OF QV 47/2014 /PKD.
EXHIBIT P9	TRUE COPY OF THE GOVERNMENT DECISION AND THE LEGAL POSITION OF QV 29/2015/PKD.
EXHIBIT P10	TRUE COPY OF THE INTERIM ORDER DATED 8TH JULY 2016 IN R.P NO.560/2016 IN WP(C) NO.4932/2-016 FILED BY JOY KAITHARATH.
EXHIBIT P11	TRUE COPY OF G.O(RT) NO.71/2017/ID DATED 12.01.2017 SUSPENDING THE PETITIONER FROM THE POST OF SECRETARY, RIAB.
EXHIBIT P12	TRUE COPY OF THE JUDGMENT IN WRIT APPEAL NO.1513/2016 FILED BY THE PETITIONER.
EXHIBIT P13	TRUE COPY OF G.O(P) NO. 9/2017/VIG DATED 29/03/2017 FOR CASE INVESTIGATION CONSEQUENT TO EROSION OF CENTRALISED COMMAND AND RESPONSIBILITY, DECISION MAKING AT INAPPROPRIATE LEVELS AND CONTRADICTIONS.
EXHIBIT P14	TRUE COPY OF THE EXECUTIVE DIRECTIVE NO.1/2017 DATED 26/05/2017 ISSUED BY DIRECTOR OF VACB DIRECTING THAT INVESTIGATION OF ALL CASES UNDER SECTION 13(1) (D) OF THE PC ACT SHOULD BE COMPLETED IN 6 MONTHS.

- EXHIBIT P15 TRUE COPY OF THE CIRCULAR NO.17/2017 DATED 10/11/2017 DISCONTINUED THE QV SYSTEM IN LINE WITH THE APEX COURT JUDGMENT IN LALITHAKUMARI VS STATE OF UTTAR PRADESH.
- EXHIBIT P16 TRUE COPY OF THE EXECUTIVE DIRECTIVE NO.16/2017 DATED 6/12/2017.
- EXHIBIT P17 TRUE COPY OF THE ORDER IN WP(C) NO.23665 OF 2017 DATED 7TH DECEMBER 2017 ORDERING TO RE-INSTATE THE PETITIONER IN SERVICE.
- EXHIBIT P18 TRUE COPY OF THE REQUEST TO THE GOVERNMENT FOR REINSTATEMENT BY THE PETITIONER, SIX MONTHS AFTER THIS SUSPENSION ON 5TH SEPTEMBER 2016.
- EXHIBIT P19 TRUE COPY OF G.O(RT) NO.1727/2017/ID ON 28TH DECEMBER 2017 REINSTATING THE PETITIONER AS THE MANAGING DIRECTOR OF KERALA AUTOMOBILES LTD. (KAL)
- EXHIBIT P20 TRUE COPY OF CIRCULAR NO.65/94/FIN DATED 29.11.1994 FOR REINSTATEMENT OF AN OFFICER AFTER SUSPENSION.
- EXHIBIT P21 TRUE COPY OF THIS REQUEST TO THE GOVERNMENT CITING THE ANOMALIES IN THE REINSTATEMENT ORDER.
- EXHIBIT P22 TRUE COPY OF LETTER NO. IND-H1/50/2018/ID DATED 2/2/2018 GIVEN A DEADLINE TO JOIN KAL AS ITS MANAGING DIRECTOR.
- EXHIBIT P23 TRUE COPY OF THE JUDGMENT IN THE CONTEMPT OF COURT PETITION NO.273 OF 2018.
- EXHIBIT P24 TRUE COPY OF THE E-MAIL SENT TO THE 2ND RESPONDENT BY THE PETITIONER THAT HE WILL TAKE CHARGE AS THE MANAGING DIRECTOR OF KERALA AUTOMOBILES LTD.
- EXHIBIT P25 TRUE COPY OF THE GOVERNMENT ORDER GO(RT) NO.160/2018/IND(D) DATED 09/02/2018 STATING CANCELLATION OF REINSTATEMENT ORDER.
- EXHIBIT P26 TRUE COPY OF THE ORDER IN THE CONTEMPT OF COURT PETITIONER NO.519 OF 2018 IN WP(C) 23665 OF 2017.
- EXHIBIT P27 TRUE COPY OF THE G.O(P) NO. 28/2016/FIN. DATED 26TH FEBRUARY 2016 SPECIFYING THE REVISED TERMS AND REMUNERISATION OF CONTRACT EMPLOYEES.
- EXHIBIT P28 TRUE COPY OF THE HOUSING LOAN DEMAND NOTICE RECEIVED BY THE PETITIONER FROM THE STATE BANK OF INDIA.
- EXHIBIT P28(A) TRUE COPY OF THE TREATMENT AND MEDICATION DETAILS OF THE PETITIONER ISSUED BY KIMS HOSPITAL, TRIVANDRUM.

WP(C).No. 15103 of 2018 (K)

EXHIBIT P29 TRUE COPY OF THE REQUEST EXPLAINING THE PLIGHT
 OF THE PETITIONER TO THE 1ST RESPONDENT AND
 OTHERS CONCERNED DATED 28 MARCH 2018.

EXHIBIT P30 : TRUE COPY OF THE LETTER DATED 3.1.2018 PLACED
 BEFORE THE 2ND RESPONDENT.

EXHIBIT P31 : TRUE COPY OF THE COVERING LETTER PLACED BEFORE
 THE 1ST RESPONDENT ON 29.1.2018.

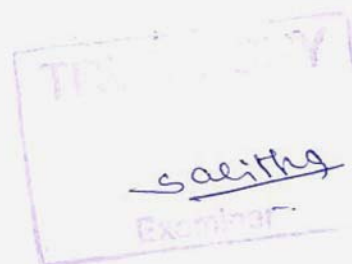
EXHIBIT P32: TRUE COPY OF THE COMMUNICATION ISSUED BY THE
 2ND RESPONDENT DATED 28.3.2018 UNDER RTI ACT.

RESPONDENTS EXHIBITS: NIL

/TRUE COPY/

K.V.
7.06.2018

P.S.TO JUDGE





**HIGH COURT OF KERALA
AT ERNAKULAM**

**Year and Number of Suit or
other Proceedings** : WPC 15103 / 2018

Name of Applicant/Advocate : SMT.S.SUJINI

Application Number : A 42064/2018

Application Date : 06-06-2018

Date of Calling for Stamp : 11-06-2018

Date of Production of Stamp : 11-06-2018

Date When copy was Ready : 11-06-2018

**Date Notified for appearance to
receive the copy** : 19-06-2018

Date when copy was delivered : 12/06/18

salith
Examiner