

ITEM NO.14

COURT NO.8

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No.2060/2020

(Arising out of impugned final judgment and order dated 17-10-2019 in RP No. 929/2019 02-09-2019 in OPKAT No. 308/2018 02-09-2019 in OPKAT No. 27/2018 17-10-2019 in RP No. 940/2019 passed by the High Court of Kerala at Ernakulam)

P. GOPINATHAN

Petitioner(s)

VERSUS

GOVERNMENT OF KERALA & ORS.

Respondent(s)

(With appln.(s) for interim relief, c/delay in filing SLP, exemption from filing c/c of the impugned judgment and exemption from filing O.T.)

Date : 28-02-2020 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Mr. R. Balasubramanian, Sr. Adv.
Mr. T. Gopal, Adv.
Mr. Anuj Jain, Adv.
Mr. Ram Anugrah Singh, Adv.
Mr. G. Sivabalamurugan, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

The Division Bench of the High Court of Kerala was in agreement with the view of the Tribunal that the termination of the services of the petitioner without

conducting a formal enquiry was not proper. The High Court has granted liberty to the government to conduct a disciplinary enquiry for the alleged unauthorized absence of the petitioner from duty.

The grievance of the petitioner, which has been urged in the submissions of Mr R Balasubramanian, learned senior counsel is that the High Court has not granted reinstatement despite after finding that the termination was not valid. Since a disciplinary enquiry has been permitted to be held by the State and, which direction, we have found to be unexceptionable, we are of the view that the ends of justice would be met if a direction is issued that the disciplinary authority shall upon the conclusion of enquiry, take a final decision as to the manner in which the period between the date of termination and the final order would be treated. We clarify that in the event the petitioner is aggrieved, it would be open for him to pursue his remedies in accordance with law.

The Special Leave Petitions are accordingly disposed of.

Pending application(s), if any, stand disposed of.

(Chetan Kumar)
A.R. - cum - P.S.

(Saroj Kumari Gaur)
Court Master