

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7439/2021

STATE OF KERALA & ANR.

...APPELLANT(S)

VERSUS

G. INDIRAKUMARI

...RESPONDENT(S)

O R D E R

The only reason this matter has been tagged with the present proceedings is that in the impugned judgment of the High Court a reference has been made to the Full Bench decision of the Kerala High Court in *K. Chandran v. Local Self Government Department -2020 5 KLT 669* though we find, really speaking, the issue which arose before the High Court was quite different. We say so as the endeavour of the appellant to open the case again against the respondent in pursuance to a vigilance enquiry and issue show cause notice has been assailed on the basis that these proceedings in an earlier round stood concluded in favour of the respondent.

A reading of the factual scenario shows that the matter has been dragged on unnecessarily and the respondent has retired in the year 2017, almost five years ago.

The larger question which we are examining is not required to be gone into and we are of the view that the opinion expressed by the Kerala Administrative

Tribunal in its order dated 08.11.2019 is liable to be sustained and impugned judgment set aside *albeit* not for the reasons cited in the impugned judgment based on the Full Bench decision of the Kerala High Court.

The appeal is dismissed in the aforesaid terms.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[M.M. SUNDRESH]

NEW DELHI;
FEBRUARY 24, 2022.

ITEM NO.102

COURT NO.6

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 7437-7438/2021

THE SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT AND ORS. ETC. ETC. Appellant(s)

VERSUS

K. CHANDRAN ETC. Respondent(s)
([REMAIN ON BOARD]
IA No. 11464/2021 - INTERVENTION/IMPLEADMENT)

WITH

C.A. No. 7439/2021 (XI-A)
(FOR ADMISSION and I.R.)

C.A. No. 7440/2021 (XI-A)

C.A. No. 7441/2021 (XI-A)

Date : 24-02-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Appellant(s) Mr. C. K. Sasi, AOR
Mr. Abdulla Naseeh V.T., Adv.
Ms. Meena K.P., Adv.

For Respondent(s) Mr. Roy Abraham, Adv.
Ms. Reena Roy, Adv.
Mr. Akhil Abraham, Adv.
Mr. Himinder Lal, AOR

Mr. Deepak Goel, AOR
Mr. Kamal Kr. Pandey, Adv.
Ms. Madhvi Gupta, Adv.

Mr. P. K. Manohar, AOR

Impleadment Mr. Renjith B. Marar, Adv.
Ms. Lakshmi N. Kaimal, AOR
Mr. M.J. Santhosh, Adv.
Ms. Surabhi Santosh, Adv.
Mr. Arun Poomulli, Adv.
Ms. Srilakshmi Nair, Adv.
Ms. Aiswarya Thankachan, Adv.

Mr. Anil Sharma, Adv.

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

C.A. No. 7439/2021

The appeal is dismissed in terms of the signed order.

Pending application, if any, stands disposed of.

CIVIL APPEAL NOS.7437-7438/2021

CIVIL APPEAL NO.7440/2021 & CIVIL APPEAL NO.7441/2021

Arguments concluded.

Judgment reserved.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)

[Signed order in Civil Appeal No.7439/2021 is placed on the file]