

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR
&
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

Monday, the 1st day of August 2022 / 10th Sravana, 1944
WP(C) NO. 10478 OF 2022(S)

PETITIONER:

CHNDRA CHOODEN NAIR S, AGED 61 YEARS, S/O. SIVASANKARAN NAIR,
SECTION OFFICER (RETD), SECRETARIAT, THIRUVANANTHAPURAM P.O,
PIN - 695 005, RESIDING AT SANKARA MANGALAM, PALLIPURAM P.O,
THIRUVANANTHAPURAM - 695 316.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY TO THE
GOVERNMENT, GOVERNMENT OF KERALA, SECRETARIAT, TRIVANDRUM- 695 005.
2. THE PRINCIPAL SECRETARY, DEPARTMENT FOR GENERAL ADMINISTRATION
(SECRET SECTION) GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM - 695 005.
3. THE PRINCIPAL SECRETARY, DEPARTMENT FOR FINANCE,
GOVERNMENT OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM - 695 005.
4. THE UNION OF INDIA, REPRESENTED BY THE SECRETARY TO THE GOVERNMENT,
DEPARTMENT OF HOME, MINISTRY OF HOME AFFAIRS, GOVERNMENT OF INDIA,
NEW DELHI - 110 001.

ADDITIONAL R5 & R6 IMPLEADED

5. JOINT COUNCIL OF STATE SERVICE ORGANIZATIONS(JCSSO),
REG. NO.32/69/GAD,PRESS CLUB ROAD, THYCAUD, THIRUVANANTHAPURAM.,
REPRESENTED BY ITS GENERAL SECRETARY V.JAYACHANDRAN @
JAYACHANDRAAN KALLINGAL, AGED 53 YEARS, S/O BALAKRISHNAN NAIR,
KNRA65B, LANE14, KADAPPATHALA GOLF CLUB, KAWDIAR,
THIRUVANANTHAPUARAM,PIN-695 003

6. ANISH C.A. 42 YEARS,S/O M P ARAVINDAKSHAN, NANDANAM,

CHALASSERY HOUSE,PERUMBILLY P.O, MULAMTHURUTHY,ERNAKULAM, PIN-682 503

(JUNIOR SUPERINTENDENT, COLLECTORATE, ERNAKULAM).

ADDITIONAL R5 AND ADDITIONAL R6 ARE IMPEADED VIDE ORDER DATED

28/06/2022 IN I.A 1/22 IN WP(C) 10478/2022(S).

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the respondents 1 to 3 to issue appropriate directions.

1. To the State Police to take adequate measures to ensure the free movement of people and goods on 28th and 29th March 2022 and to register criminal cases as per the provisions of Indian Penal Code against persons/group obstructing the movement of Government employees.

2. To all the concerned to not disburse salary of the employees for the days of their abstention from duty from 28th to 29th on March, 2022.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C), this Court's order dated 28/03/2022 & 28/06/2022 and upon hearing the arguments of M/S SAJITH KUMAR V., VIVEK A.V., GODWIN JOSEPH, APARNA CHANDRAN, REMYA VARMA N.K, Advocates for the petitioner, SHRI.N.MANOJ KUMAR, STATE ATTORNEY & SRI. K.P HARISH, SENIOR GOVERNMENT PLEADER for R1 to R3, SRI. S MANU, ASSISTANT SOLICITOR GENERAL OF INDIA & CENTRAL GOVERNMENT COUNSEL for R4, SRI.G.MOTILAL & V.M.KRISHNAKUMAR, Advocates for ADDL.R5 & R6 and of SRI. K GOPALAKRISHNA KURUP, ADVOCATE GENERAL, the court passed the following:

P.T.0

S. MANIKUMAR, C. J. & SHAJI P. CHALY, J.

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W. P. (C) No. 10478 of 2022

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Dated this the 1st day of August, 2022

ORDER

S. Manikumar, C. J.

Mr. V. M. Krishnakumar, learned counsel for additional respondent Nos. 5 and 6, prays for some more time to file their respective counter affidavits.

2. Mr. K. P. Harish, learned Senior Government Pleader, submitted that vide G. O. (P) No. 10/2022/GAD dated 28.03.2022, Government have issued orders directing to treat the unauthorized absence of employees participating in the strike as dies-non and directions have also been issued to take action against those who have availed unauthorized leave. Submission of the learned Senior Government Pleader is placed on record.

3. However, taking note of the fact that Government have issued proceedings to initiate disciplinary action as per the Kerala Service Rules against Government Employees, who have abstained from work

on 28.03.2022 and 29.03.2022, we direct Mr. K. P. Harish, learned Senior Government Pleader, to obtain all necessary details from various Government Offices / Departments, regarding the number of Government Employees, who were engaged in the strike, against whom action is taken. Details of employees who have availed leave, permission whether granted or not / pending and outcome of the same, shall be furnished in a tabular column.

4. Mr. K. P. Harish, learned Senior Government Pleader, requests three weeks time to file a detailed statement, with all supporting documents.

We make it clear that the said statement should also contain the details of the disciplinary action taken, outcome etc.

Post on 24.08.2022.

Sd/-
S. MANIKUMAR
CHIEF JUSTICE

Sd/-
SHAJI P. CHALY
JUDGE

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