



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR. JUSTICE P. KRISHNA KUMAR

FRIDAY, THE 15TH DAY OF NOVEMBER 2024 / 24TH KARTHIKA, 1946

OP (KAT) NO. 431 OF 2024

AGAINST THE ORDER DATED 25.11.2022 IN OA (EKM) NO.1067 OF
2022 OF KERALA ADMINISTRATIVE TRIBUNAL AT THIRUVANANTHAPURAM
(ADDITIONAL BENCH, ERNAKULAM)

PETITIONER/APPLICANT:

M. SHIBU, S/O. SREEDHARAN NAIR,
AGED 49 YEARS
JUNIOR SUPERINTENDENT, PEN NO.139958, CITY POLICE
OFFICE, KOZHIKODE CITY, KOZHIKODE, KERALA-673001,
RESIDING AT MINI BHAVANAM, CHELANNUR P.O.,
KOZHIKODE, KERALA, PIN - 673616

BY ADVS.
T.R.RAJESH
NANDANA SASI

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY THE ADDITIONAL
CHIEF SECRETARY TO GOVERNMENT, (HOME & VIGILANCE)
DEPARTMENT, GOVT. SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001
- 2 THE STATE POLICE CHIEF,
OFFICE OF THE STATE POLICE CHIEF, POLICE HEADQUARTERS,



VAZHUTHACAUD, THIRUVANANTHAPURAM, PIN - 965014

- 3 THE INSPECTOR GENERAL OF POLICE,
KANNUR RANGE, OFFICE OF THE INSPECTOR GENERAL OF
POLICE, KANNUR RANGE, KANNUR, PIN - 670102
- 4 THE DEPUTY INSPECTOR GENERAL OF POLICE,
KANNUR RANGE, OFFICE OF THE DEPUTY GENERAL OF POLICE,
KANNUR RANGE, KANNUR, PIN - 670001
- 5 THE DISTRICT POLICE CHIEF,
KOZHIKODE CITY, OFFICE OF THE DISTRICT POLICE CHIEF,
KOZHIKODE CITY, KOZHIKODE, PIN - 673001
- 6 THE DEPUTY SUPERINTENDENT OF POLICE/ENQUIRY OFFICER,
OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE,
DISTRICT CRIME RECORDS BUREAU, KOZHIKODE
RURAL,KOZHIKODE-, PIN - 673001
- 7 THE DEPUTY SUPERINTENDENT OF POLICE/ENQUIRY OFFICER,
OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE, STATE
SPECIAL BRANCH, KOZHIKODE CITY,KOZHIKODE, PIN - 673002

BY SR.GOVT. PLEADER SMT.NISHA BOSE

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR
HEARING ON 15.11.2024, ALONG WITH OP(KAT).306/2023, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR.JUSTICE P. KRISHNA KUMAR

FRIDAY, THE 15TH DAY OF NOVEMBER 2024 / 24TH KARTHIKA, 1946

OP (KAT) NO. 306 OF 2023

AGAINST THE ORDER DATED 25.11.2022 IN OA (EKM) NO.1067 OF
2022 OF KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM

PETITIONERS/APPLICANT:

- 1 STATE OF KERALA,
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO
GOVERNMENT, (HOME & VIGILANCE) DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM - 695001, KERALA.
- 2 THE STATE POLICE CHIEF,
OFFICE OF THE STATE POLICE CHIEF, POLICE HEADQUARTERS,
VAZHUTHACAUD, THIRUVANANTHAPURAM, KERALA, PIN - 695014
- 3 THE INSPECTOR GENERAL OF POLICE,
KANNUR RANGE, OFFICE OF THE INSPECTOR GENERAL OF
POLICE, KANNUR RANGE, KANNUR, KERALA, PIN - 670102
- 4 THE DEPUTY INSPECTOR GENERAL OF POLICE,
KANNUR RANGE, OFFICE OF THE INSPECTOR GENERAL OF
POLICE, KANNUR RANGE, KANNUR, KERALA, PIN - 670102
- 5 THE DISTRICT POLICE CHIEF,
KOZHIKODE CITY, OFFICE OF THE DISTRICT POLICE CHIEF,
KOZHIKODE CITY, KOZHIKODE, KERALA, PIN - 673001
- 6 THE DEPUTY SUPERINTENDENT OF POLICE/ENQUIRY OFFICER



OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE,
DISTRICT CRIME RECORDS BUREAU, KOZHIKODE RURAL,
KOZHIKODE, KERALA, PIN - 673001

- 7 THE DEPUTY SUPERINTENDENT OF POLICE/ENQUIRY OFFICER,
OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE, STATE
SPECIAL BRANCH, KOZHIKODE CITY, KOZHIKODE, PIN -
673002
(ADDITIONAL R7 IMPEADED AS PER ORDER DATED 02/09/2022
IN M.A. (EKM)1510/2022), KERALA.

BY SR. GOVERNMENT PLEADER SMT.NISHA BOSE

RESPONDENT/APPLICANT IN O.A.:

M. SHIBU,S/O SREEDHARAN NAIR,
AGED 47 YEARS
JUNIOR SUPERINTENDENT, PEN NO.139958, CITY POLICE
OFFICE, KOZHIKODE CITY, KOZHIKODE, KERALA- 673 001,
RESIDING AT MINI BHAVANAM, CHELANNUR P.O., KOZHIKODE,
KERALA, PIN - 673616.MOB: 7907187503

BY ADVS.
T.R.RAJESH
C.JOSEPH ANTONY
VISHNU NARAYANAN
ASHA TREESA JOSE
NANDANA SASI

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR
HEARING ON 15.11.2024, ALONG WITH OP(KAT).431/2024, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:



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JUDGMENT**P.Krishna Kumar, J.**

For the sake of convenience, the parties will be referred to as they are arrayed in O.P(KAT)No.306/2023.

2. While the respondent was working as a Junior Superintendent in the office of the District Police Chief, Kozhikode, a criminal case was registered against him alleging offences punishable under Sections 341, 324,447 r/w 34 of the Indian Penal Code. The allegation was that, he trespassed into the house of one Vasantha along with three others and attacked her and her children. A disciplinary proceeding was initiated against the respondent on the basis of the said incident. The defence of the respondent was that it was the consequence of a family dispute between his mother and his sister. As per Annexure A6, the enquiry officer found that it was not possible to establish



the charge except through a scientific investigation ascertaining the involvement of the respondent.

3. Later, the respondent was served with another memo of charges for the very same allegations. Subsequently, the State Police Chief issued Annexure All order cancelling the earlier inquiry and appointing another enquiry officer (the Deputy Superintendent of Police, Kozhikode). The respondent challenged this order as well as the second memo of charges before the Kerala Administrative Tribunal. The State contended that subsequent proceedings cannot be termed as a *de novo* enquiry since the State Police Chief has cancelled the previous order of inquiry. It was also pointed out that the previous enquiry officer failed to examine and cross-examine all the witnesses and thereby flouted the provisions of the Kerala Civil Services (Classification, Control and Appeal) Rules, 1960 (for short, 'KCS (CC&A) Rules').

4. The Tribunal found that subjecting a



Government servant to disciplinary action for the second time on the very same charges itself is unconstitutional and it is violative of the provisions of the 'KCS (CC&A) Rules'. Thus the Tribunal set aside Annexure A7 second charge memo and Annexure A11 order directing a fresh inquiry.

5. The State challenges the said order mainly on the ground that, if the inquiry officer fails to follow the rule relating to the conduct of a disciplinary inquiry, it is open to the authority to order a fresh formal enquiry. According to them, Rule 15(7) of KCS (CC&A) Rules contemplates that the enquiring authority has to take such oral evidence as may be relevant and the Government servant shall be entitled to cross-examine the witnesses examined in support of the charge, but the enquiry authority has merely recorded *the statements*, not *the evidence* of the witnesses and hence in the light of the law laid down in **Union Of India & Ors. v. P.Thayagarajan** (AIR



1999 SC 449), there is no illegality in Annexure A1.

6. We heard the learned counsel on both sides. The finding of the Tribunal that there is no provision in the KCS(CC&A)Rules for setting aside an inquiry report and ordering a *de novo* inquiry is challenged by the State based on the law declared in **Union Of India & Ors. v. P.Thayagarajan** (supra). It is thus necessary to understand the ratio of the said decision for evaluating the correctness of the above finding. In **Thyagarajan's** case, the honourable Supreme Court was considering the propriety of an order passed by the disciplinary authority by which it set aside the enquiry report. Referring to the decision in **K. R. Deb v. Collector Of Central Excise, Shillong** (AIR 1971 SC 1447), it was argued before the honourable Supreme Court that the disciplinary authority has no power to set aside the enquiry report and order a fresh enquiry, referring to Rule 15 of the Central Civil Service (Classification, Control and Appeal) Rules,



1957. Explaining the circumstances in which **K.R Deb** was pronounced, the Supreme Court observed as follows:

“What is contemplated in Rule 27(c)(2) is that evidence material to the charge could be either oral or documentary and if oral, (i) it shall be direct; (ii) it shall be recorded by the officer conducting the enquiry himself or by any officer; and (iii) the accused shall be allowed to cross examine the witness. When reliance is sought to be placed on oral evidence of witnesses it will have to be obtained in the manner indicated in the said Rule and that the oral statement has to be recorded by the officer himself conducting the enquiry in the presence of the parties and it cannot be done in any other manner. The procedure in taking letters as statements is in violation of Rule 27(c)(2). Therefore the contention put forth on behalf of the appellant and the reasons set forth in the course of the order setting aside the enquiry is justified. What Shri Tulsi urged with reference to the decision in [K.R. Deb](#) [supra] is that there is no power in the Disciplinary Authority to set aside an earlier enquiry and to order a fresh enquiry. We may, in



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particular, refer to para 12 of [the said decision](#) which is as follows :

"It seems to us that Rule 15, on the face of it, really provides for one inquiry but it may be possible if in particular case there has been no proper enquiry because some serious defect has crept into the inquiry or some important witnesses were not available at the time of the inquiry or were not examined for some other reason the Disciplinary Authority may ask the inquiry Officer to record further evidence. But there is no provision in Rule 15 for completely setting aside previous inquiries on the ground that the report of the Inquiring Officer or Officers does not appeal to the Disciplinary Authority. The Disciplinary Authority has enough powers to reconsider the evidence itself and come to its own conclusion under Rule 9". [p.105] [emphasis supplied].

A careful reading of this passage will make it clear that this court notices that if in a particular case where there has been no proper enquiry because of some serious defect having crept into the inquiry or some important witnesses were not available at the time of the inquiry or were not examined, the Disciplinary



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Authority may ask the Inquiry Officer to record further evidence but that provision would not enable the Disciplinary Authority to set aside the previous enquiries on the ground that the report of the Enquiry Officer does not appeal to the Disciplinary Authority. **In the present case the basis upon which the Disciplinary Authority set aside the enquiry is that the procedure adopted by the Enquiry Officer was contrary to the relevant rules and affects the rights of the parties and not that the report does not appeal to him.** When important evidence, either to be relied upon by the department or by the delinquent official, is shut out, this would not result in any advancement of any justice but on the other hand result in a miscarriage thereof. Therefore we are of the view that Rule 27(c) enables the Disciplinary Authority to record his findings on the report and to pass an appropriate order including ordering a de novo enquiry in a case of present nature."

(emphasis added)

From the above passage, it is obvious that the Supreme Court has held in the above manner because the procedure adopted by the Enquiry Officer was



contrary to the relevant rules and it affected the rights of the parties, and that is why the court deviated from the law settled in **K.R Deb.**

7. However, it is open to the disciplinary authority to differ from the findings of the Inquiry Officer, in appropriate cases. Rule 15 (11) of the KCS (CC&A) Rules empowers the disciplinary authority to agree with the findings of the Inquiry Officer. In **Mathew v. State of Kerala** (1989 (1) KLT 88), this court further explained the procedure to be followed when the disciplinary authority differs from the report of the enquiry officer. The disciplinary authority, after considering the report and evidence recorded by the enquiry officer, may differ either wholly or partly in so far as the conclusions arrived at by the enquiry officer is concerned. If the disciplinary authority disagrees with the finding arrived at by the enquiry officer and holds that the charges framed against the delinquent officer are



prima facie proved, it should provisionally decide what punishment should be imposed on the public servant.

8. In the present case, the reason stated in Annexure A1 for setting aside the previous inquiry report is only that the inquiry officer did not record the evidence of the witnesses after examination and cross-examination. If that is the defect noticed, it could have been remedied by issuing a specific direction to that extent, which is well within the powers of the disciplinary authority. In fact, it is the choice of the delinquent to cross-examine the witnesses. If he decides otherwise depending on the nature of the statement of the witness, there is no illegality. Nonetheless, if the disciplinary authority was of the view that an opportunity ought to have been given to the delinquent to cross-examine the witness, it could have directed so, treating the evidence/statement



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recorded as incomplete. In **Kesavan Namboodiri v. State of Kerala** (1982 KLT 512), this court, after adverting to Rule 15 of the KCS (CC&A) Rules, held as follows:

“The Disciplinary Authority cannot wipe out the inquiry already conducted and direct a de novo enquiry. Where the findings of the enquiring authority are adverse to the delinquent officer, it is open to the Disciplinary Authority to consider the material and evidence, come to a different conclusion and exonerate him from charges. If, on the other hand, the inquiring authority holds that the charges are not proved, it is open to the Disciplinary Authority to take a different view and record findings. **Where the Disciplinary Authority is satisfied that some evidence which would have been available was not collected by the Inquiring Authority, it may even direct the Inquiring Authority to proceed further with the inquiry in the interests of justice.** There is no provision in the rules to order a de novo inquiry after wiping out the inquiry already conducted.”

(emphasis added)



This view is also followed in **Baby v. State of Kerala (1991 (1) KLT 676)**. The law laid down in **K.R. Deb's** case (supra) also fortifies the stand taken by the learned Tribunal.

9. After all, the Tribunal has directed only to finalise the proceedings initiated against the applicant on the basis of Annexure A2 memo of charges within two months. We find no jurisdictional error in the decision taken by the learned Tribunal.

10. However, the respondent herein has preferred O.P.(KAT) 431 of 2024 before us for setting aside Annexure A2 charge memo and Annexure A6 inquiry report and to declare that the petitioners cannot proceed against him on the basis of Annexure A2 or Annexure A6 in view of the law laid down by this court in **State of Kerala v. Kuryan (2024 (2) KLT 428)**. A further direction to the petitioners to convene an ad hoc Departmental Promotion Committee for ascertaining the suitability of the respondent for promotion to the



cadre of Senior Superintendent is also sought. This court has held in **Kuryan's** case (supra) as follows:

“9. In a country where privacy has been declared as part of fundamental right, it is not open for the disciplinary authority-Government to probe into the private affairs of the individual unless that private affair itself becomes a subject matter of the proceedings concluding about his character lowering dignity as public servant. We are not discounting situations where such conduct itself becomes a subject matter of the proceedings at the instance of the aggrieved or affected persons. For example, in a case where such adulterous life is found out through any court proceedings or any other legal proceedings, that finding is rendered, it is open for the disciplinary authority and the Government to initiate action against such Government servant, holding that such conduct is not befitting with the standards to be maintained by the public servant. A public servant, especially, a police personal is expected to display or exhibit high



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moral standards in all such circumstances. We also note Section 29 of the Police Act, which mandates all police officers on duty, in their dealings with the public, shall exhibit courtesy, propriety and compassion appropriate to the occasion and use polite and decent language. **It is for the affected persons to initiate such action as against any moral conduct of the person and not for the Government to conduct an enquiry into the private affairs of the Government servant.**

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We make it clear that such private affairs sometimes qualify to be explicit in such a manner where public display of such conduct may become actionable under the law on the parameters of misconduct.”

(emphasis added)

11. In this case, the disciplinary enquiry was initiated on finding that a criminal case was registered against the respondent alleging that he trespassed into the residence of a lady and assaulted



her, together with certain other persons. Even though the alleged act does not relate to the discharge of duties of the respondent, we find no reason to set aside the charge memo or the enquiry report. We have gone through Annexure A6 report submitted by the enquiry officer wherein he found that there are no materials to establish the charge against the respondent at present. In that circumstance, we find it necessary to direct the disciplinary authority to take a final decision on Annexure A6 report only after the conclusion of the criminal case. The law is well settled that this court can issue such a direction, in certain circumstances, and when it is found that the criminal action and the disciplinary proceedings are grounded upon the same set of facts and evidence. In **Delhi Cloth & General Mills Ltd. v. Kushal Bhan** (AIR 1960 SC 806) and **Kusheshwar Dubey v. Bharat Coking Coal Ltd.** (AIR 1988 SC 2118), the Supreme Court has laid down various parameters for deferring the disciplinary proceedings awaiting disposal of criminal cases. After



considering the peculiar circumstances involved in this matter, we deem it appropriate to take such a course.

12. At this juncture, the learned Senior Government Pleader submitted that this court may not issue such directions as the petitioner has not sought any such remedies before the Tribunal and that this Court should not extend the visitorial jurisdiction under Article 227 of the Constitution to wider the scope of the original petition. The learned Senior Government Pleader placed reliance on the decision of this court in **Sijo Thomas v. State of Kerala and Ors. (2024 (4) KHC 397)** to support her contentions.

13. We are unable to concede to the submissions made by the learned Senior Government Pleader. The decision in **Sijo Thomas's** case was rendered in a circumstance where the petitioner therein raised a challenge against the validity of Rule 14 of the Public Service Commission Rules of Procedure for the first time before this Court. That is not the situation under



consideration now. The petitioner has challenged the validity of the inquiry proceedings itself, in view of the law laid down in **Kuryan's** case. We also find it necessary to issue certain directions to the appointing authorities, to avoid the unpleasant situations mentioned above.

14. It is no more *res integra* that while this court considers the legality of the orders passed by the Tribunals established under the Administrative Tribunals Act, 1985, it can very well exercise its power under Article 226 of the Constitution of India. The Administrative Tribunals Act, 1985 was promulgated by the Parliament in pursuance of the introduction of Article 323 A to the Constitution, through the 42nd amendment to the Constitution of India. As per Article 323A and Section 28 of the said Act, though it was intended to take away the jurisdiction of the High Courts under Article 226, by the seven Judges Bench of the Honourable Supreme Court in the landmark decision in



L.Chandra Kumar v. Union of India (AIR 1997 SC 1125), it was held that clause 2(d) of Article 323 A and Section 28 of the said Act, to the extent they exclude the jurisdiction of the High Court under Article 226 and 227 of the Constitution, are unconstitutional. The court held as follows:

“90. We may first address the issue of exclusion of the power of judicial review of the High Courts. **We have already held that in respect of the power of judicial review, the jurisdiction of the High Courts under Article 226/227 cannot wholly be excluded.** It has been contended before us that the Tribunals should not be allowed to adjudicate upon matters where the vires of legislations is questioned, and that they should restrict themselves to handling matters where constitutional issues are not raised. We cannot bring ourselves to agree to this proposition as that may result in splitting up proceedings and may cause avoidable delay. If such a view were to be adopted, it would be open for litigants to raise constitutional issues, many of which may be quite frivolous, to directly approach the High Courts and thus subvert the jurisdiction of the Tribunals. Moreover, even in these special branches of law, some areas do involve the consideration of constitutional questions on a



regular basis; for instance, in service law matters, a large majority of cases involve an interpretation of [Articles 14, 15](#) and [16](#) of the Constitution. To hold that the Tribunals have no power to handle matters involving constitutional issues would not serve the purpose for which they were constituted. **On the other hand, to hold that all such decisions will be subject to the jurisdiction of the High Courts under Articles 226/227 of the Constitution before a Division Bench of the High Court within whose territorial jurisdiction the Tribunal concerned falls will serve two purposes.** While saving the power of judicial review of legislative action vested in the High Courts under Article 226/227 of the Constitution, it will ensure that frivolous claims are filtered out through the process of adjudication in the Tribunal. The High Court will also have the benefit of a reasoned decision on merits which will be of use to it in finally deciding the matter.

xx xx xx xx

99. In view of the reasoning adopted by us, **we hold that Clause 2(d) of [Article 323A](#) and Clause 3(d) of [Article 323B](#), to the extent they exclude the jurisdiction of the High Courts and the Supreme Court under Articles 226/227 and 32 of the Constitution, are unconstitutional. [Section 28](#) of the Act and the "exclusion of jurisdiction"**



clauses in all other legislations enacted under the aegis of [Articles 323A](#) and [323B](#) would, to the same extent, be unconstitutional. The jurisdiction conferred upon the High Courts under [Articles 226/227](#) and upon the Supreme Court under [Article 32](#) of the Constitution is part of the inviolable basic structure of our Constitution. While this jurisdiction cannot be ousted, other courts and Tribunals may perform a supplemental role in discharging the powers conferred by [Articles 226/227](#) and [32](#) of the Constitution. The Tribunals created under [Article 323A](#) and [Article 323B](#) of the Constitution are possessed of the competence to test the constitutional validity of statutory provisions and rules. All decisions of these Tribunals will, however, be subject to scrutiny before a Division Bench of the High Court within whose jurisdiction the concerned Tribunal falls. The Tribunals will, nevertheless, continue to act like Courts of first instance in respect of the areas of law for which they have been constituted. It will not, therefore, be open for litigants to directly approach the High Courts even in cases where they question the vires of statutory legislations (except where the legislation which creates the particular Tribunal is challenged) by overlooking the jurisdiction of the concerned Tribunal. [Section 5\(6\)](#) of the Act is valid and constitutional and



is to be interpreted in the manner we have indicated.”

(emphasis added)

Therefore, this court has ample powers under Article 226 of the Constitution to issue the direction as above, even if it is not specifically sought in the petition filed before the Tribunal, if it is found necessary.

15. Hence the disciplinary authority shall await the final outcome of the criminal proceedings initiated against the respondent, before complying with the directions of the Tribunal. However, this shall not be a hindrance in considering the suitability of the respondent for promotion etc., in accordance with law, as at present the enquiry officer has not recommended any action against him in respect of the said incident, which of course is subject to the final decision to be taken by the disciplinary authority on Annexure A6, after the disposal of the said criminal case. If a promotion is due, he shall be considered for it,



without waiting for the outcome of the case or the disciplinary action.

O.P.(KAT)No.306/2023 is dismissed. O.P.(KAT) No. 431/2024 is allowed to the above extent.

Sd/-

A.MUHAMED MUSTAQUE

JUDGE

Sd/-

P. KRISHNA KUMAR

JUDGE

APPENDIX OF OP (KAT) 306/2023

PETITIONER'S ANNEXURES

- Annexure A1 TRUE COPY OF FIR NO.700/2018 DATED 30.11.2018 REGISTERED BY THE SUB INSPECTOR OF POLICE PERAMBRA POLICE STATION.
- Annexure A2 TRUE COPY OF THE CHARGE MEMO AND STATEMENT OF ALLEGATION SERVED ON THE APPLICANT BY THE 3 RD RESPONDENT BEARING NO.A2 (A)/23357/2018/KR DATED 30.04.2019.
- Annexure A3 TRUE COPY OF THE OBJECTION SUBMITTED BY THE APPLICANT TO ANNEXURE A2 CHARGE MEMO AND STATEMENT OF ALLGATIN BEFORE THE 3 RD RESPONDENT DATED 27.05.2019.
- Annexure A4 TRUE COPY OF THE ORDER PASSED BY THE 4 TH RESPONDENT BEARING A2 (A)/PR/19/2019/KR DATED 30.07.2019.
- Annexure A5 TRUE COPY OF THE NOTICE ISSUED BY THE 6 TH RESPONDENT BEARING NO.946/DCRG/19/DR DATED 09.08.2019.
- Annexure A6 TRUE COPY OF THE ENQUIRY REPORT SUBMITTED BY THE 6 TH RESPONDENT BEFORE THE 4 TH RESPONDENT ALONG WITH COVERING LETTER BEARING NO.946/DCRG/19/DR DATED 02.09.2019.
- Annexure A7 TRUE COPY OF THE CHARGE MEMO AND STATEMENT OF ALLEGATIONS ISSUED BY THE 2 ND RESPONDENT VIDE NO.G1-119557/2021/PHQ DATED 31.12.2021.
- Annexure A8 TRUE COPY OF THE OBJECTION SUBMITTED BY THE APPLICANT TO ANNEXRE A7 CHARGE MEMO AND STATEMENT OF ALLEGATIONS DATED 18.01.2022.
- Annexure A9 TRUE COPY OF THE REQUEST SUBMITTED BY THE APPLICANT UNDER THE RIGHT TO INFORMATION ACT DATED 12.04.2022.



- Annexure A10** TRUE COPY OF THE REPLY GIVEN BY THE INFORMATION OFFICER TO ANNEXURE-A9 REQUEST BEARING NO.13(RTI)-67184/2022/PHQ DATED 16.05.2022.
- Annexure A11** TRUE COPY OF THE ORDER NO.G1-119577/2021/PHQ DATED 18.07.2022 ISSUED BY THE 2 ND RESPONDENT.
- Annexure A12** TRUE COPY OF THE JUDGEMENT OF THE HON'BLE HIGH COURT OF KERALA IN BABY V STATE OF KERALA REPORTED IN 1999 (1) KLT 676.
- Exhibit P1** TRUE COPY OF THE O.A(EKM)NO.1067/2022 DATED 25.11.2022 ALONG WITH ANNEXURES.
- Exhibit P2** A TRUE COPY OF THE REPLY STATEMENT FILED BY THE 2 ND PETITIONER HEREIN.
- Exhibit P3** CERTIFIED COPY OF THE ORDER DATED 25.11.2022 IN OA(EKM)NO.1067/2022 ON FILE OF THE KERALA ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH (ERNAKULAM) .
- RESPONDENT'S EXHIBITS**
- Exhibit-R1(a)** TRUE COPY OF THE JUDGMENT OF THE HON'BLE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, PERAMBRA DATED 16.01.2023 IN CC.NO.1065/2020 ARISING OUT OF CRIME NO.700/2018
- Exhibit-R1(b)** TRUE COPY OF COMMUNICATION BEARING NO.A2(A)-23357/2018/KR DATED 14.03.2023 ISSUED BY DEPUTY INSPECTOR GENERAL OF POLICE, KANNUR RANGE.
- Exhibit-R1(c)** TRUE COPY OF REPRESENTATION SUBMITTED BY THIS RESPONDENT DATED 25.10.2023
- Exhibit-R1(d)** TRUE COPY OF FORWARDING LETTER BEARING NO.A2-42488/2023/CC DATED 28.10.2023
- Exhibit-R1(e)** TRUE COPY OF G.O(MS)NO.99/HOME DATED



18.02.1963

- Exhibit-R1 (e) (a) TYPED COPY OF EXT.R1 (E)
- Exhibit-R1 (f) TRUE COPY OF G.O (MS) NO.91/2024/HOME DATED 23.03.2024
- Exhibit-R1 (g) TRUE COPY OF THE RELEVANT PAGES OF THE MINUTES OF DPC HELD ON 12.12.2023 FURNISHED TO THE APPLICANT UNDER THE RIGHT TO INFORMATION ACT
- Exhibit-R1 (h) TRUE COPY OF THE NOTIFICATION BEARING NO.A5-119097/2023/PHQ DATED 23.01.2024
- Exhibit-R1 (i) TRUE COPY OF THE RELEVANT PAGES OF THE CENTRAL CIVIL SERVICES (CLASSIFICATION, CONTROL AND APPEAL) RULES 1965
- Exhibit-R1 (j) TRUE COPY OF DGO NO.1795/2021/PHQ DATED 10.08.2021
- Exhibit-R1 (k) . A TRUE COPY OF THE INTERIM ORDER GRANTED BY THE TRIBUNAL INITIALLY ON 22.07.2022 IN OA(EKM)-1067/2022

APPENDIX OF OP (KAT) 431/2024

PETITIONER'S ANNEXURES

- Annexure A1 TRUE COPY OF FIR NO.700/2018 DATED 30.11.2018 REGISTERED BY THE SUB INSPECTOR OF POLICE PERAMBRA POLICE STATION.
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- Annexure A6 TRUE COPY OF THE ENQUIRY REPORT SUBMITTED BY THE 6TH RESPONDENT BEFORE THE 4TH RESPONDENT ALONG WITH COVERING LETTER BEARING NO..946/DCRG/19/DR DATED 02.09.2019
- Annexure A 7 TRUE COPY OF THE CHARGE MEMO AND STATEMENT OF ALLEGATIONS ISSUED BY THE 2ND RESPONDENT VIDE G1-119557/2021/PHQ DATED31/12/2021
- Annexure A8 TRUE COPY OF THE OBJECTION SUBMITTED BY THE APPLICANT TO ANNEXURE A7 CHARGE MEMO AND STATEMENT OF ALLEGATIONS DATED 18.01.2022
- Annexure A9 TRUE COPY OF THE REQUEST SUBMITTED BY THE APPLICANT UNDER THE RIGHT TO INFORMATION ACT DATED 12.04.2022



- Annexure A10** TRUE COPY OF THE REPLY GIVEN BY THE INFORMATION OFFICER TO ANNEXURE A9 REQUEST BEARING NO.13 (RTI)-67184/2022/PHQ DATED 16.05.2022
- Annexure A11** TRUE COPY OF THE ORDER NO.G1-119577/2021/PHQ DATED 18.07.2022 ISSUED BY THE 2ND RESPONDENT.
- Annexure A12** TRUE COPY OF THE JUDGMENT OF THE HON'BLE HIGH COURT OF KERALA REPORTED IN 1999 (1) KLT 676
- Exhibit P1** TRUE COPY OF THE O.A(EKM)-1067/2022 FILED BY THE PETITIONERS BEFORE THE TRIBUNAL ALONG WITH ITS ANNEXURES.
- Exhibit P2** TRUE COPY OF THE REPLY STATEMENT FILED BY THE 2ND RESPONDENT DATED 02.11.2022
- Exhibit P3** TRUE COPY OF THE ORDER OF THE HON'BLE TRIBUNAL DATED 25.11.2022 IN OA(EKM)-1067/2022
- Exhibit P4** TRUE COPY OF THE JUDGMENT OF THE JUDICIAL FIRST CLASS MAGISTRATE-I, PERAMBRA DATED 16.01.2023 IN CC.NO.1065/2020
- Exhibit P5** TRUE COPY OF THE RELEVANT PAGES OF THE MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING HELD ON 12.12.2023 FURNISHED TO THE PETITIONER UNDER THE RIGHT TO INFORMATION ACT