



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON

MONDAY, THE 7TH DAY OF APRIL 2025 / 17TH CHAITHRA, 1947WP(C) NO.36658 OF 2023PETITIONER:

NITHIN K.,
AGED 32 YEARS, S/O K.N SHAJI, JUNIOR ASSISTANT,
SUPPLYCO, ZAITH HOUSE, PANICKER ROAD, NADAKKAVU POST,
KOZHIKODE, PIN - 673011.

BY ADV V.VINAY

RESPONDENTS:

- 1 STATE OF KERALA,
REP, BY ITS SECRETARY, FOOD AND CIVIL SUPPLIES DEPARTMENT,
ROOM NO. 379A, 1ST FLOOR, MAIN BLOCK SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001.
- 2 SUPPLYCO,
REPRESENTED BY ITS MANAGING DIRECTOR, MAVELI BHAVAN,
MAVELI ROAD, GANDHI NAGAR, ERNAKULAM, PIN - 682020.
- 3 CHAIRMAN & MANAGING DIRECTOR,
SUPPLYCO, MAVELI BHAVAN, MAVELI ROAD, GANDHI NAGAR,
ERNAKULAM, PIN - 682020.
- 4 ADDITIONAL GENERAL MANAGER (P&A),
SUPPLYCO, MAVELI BHAVAN, MAVELI ROAD, GANDHI NAGAR,
ERNAKULAM, PIN - 682020

BY ADV SANTHOSH PETER (MAMALAYIL)

OTHER PRESENT:

SRI.E.G.GORDEN, SR. GOVT. PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



JUDGMENT

Petitioner, who was working as Junior Assistant with the 2nd respondent herein, was placed under suspension on the basis of certain allegations as regards some entries made on the "Price Display Board" in an outlet of the 2nd respondent, wherein the petitioner was the Officer-in-charge. The petitioner was before this Court in an earlier round of litigation and by Ext.P10 judgment dated 23.08.2023, this Court had directed the Chairman and Managing Director of the 2nd respondent-employer to consider the representation filed by the petitioner and to dispose of the same in tune with the directions contained thereunder. The order issued thereafter at Ext.P13, as per which a "warning" was issued against the petitioner and thereby closing the enquiry proceedings and directing the reinstatement of the petitioner, is sought to be challenged in this writ petition. The petitioner has also pointed out that on the basis of Ext.P14 proceedings dated 01.11.2023, the petitioner was posted in a different



office, and he has sought for a stay as regards the transfer, as above.

2. While admitting the writ petition on 06.11.2023, this Court has refused to stay the operation of Ext.P14 posting order.

3. Heard Sri.V.Vinay, learned counsel for the petitioner, Sri.Santhosh Peter for respondents 2 to 4 and Sri.E.G.Gorden, learned Senior Government Pleader, for the 1st respondent.

4. This Court notices that, while rendering Ext.P10 judgment, a learned Single Judge of this Court has extensively considered the rival contentions and has directed a reconsideration after finding the requirement to take up Ext.P6 representation and to consider the same dispassionately. The directions contained in Ext.P10 judgment, to the extent relevant herein, are as under:

"7. That said, Ext. P3 objection of the petitioner specifically explains what happened on the date on which the "Price



Display Board" was found as alleged in the store in question. According to him, wherever the stock was available to be sold and fit for human consumption, he had recorded so; but that with respect to the articles he had recorded otherwise, the stock available was either fumigated - which could be put to sale only a few days later, or where the same was pest or fungus infected, thus incapable of human consumption.

8. The petitioner, in substantiation, has produced Ext.P7, which is the report of the quality control department of the "SUPPLYCO", and he points out that at least four articles have been shown therein to be unsafe for human consumption and to be kept aside. He alleges that, however, merely because there was some media attention drawn to the "Price Display Board" in question, the "SUPPLYCO" has acted to a knee-jerk reaction, to render him a scapegoat. The petitioner also contends that there was absolutely no reason for him to have been placed under suspension, because even cursory enquiry would have established that he had committed no wrong, but had, in fact, acted bona fide in public interest, by recording the correct information in the "Price Display Board".

9. As I have already said above, since the controversy between the parties is in the factual realm, it would not be possible for this Court to answer it affirmatively. However, it is also equally important that the petitioner, if he has acted bona fide, should not be victimised or put to detriment for no fault that can be attributed.



10. It is, therefore, now imperatively necessary that the competent Authority of the SUPPLYCO take up Ext.P6 representation and consider the same dispassionately, after affording him an opportunity of being heard; thus to decide whether he requires to be continued under suspension, particularly when he contends that his continuance would cause no prejudice to any enquiry that may be conducted based on the imputations in Ext.P2 show cause notice."

5. However, a perusal of Ext.P13 order shows that the directions contained in Ext.P10 have not been carried out while issuing the order. In such circumstances, I am of the opinion that Ext.P13 requires to be *set aside*. Insofar as Ext.P14 is a consequential order, I am of the opinion that the proceedings at Ext.P14 also requires to be reconsidered at the instance of the 2nd respondent.

Resultantly, this writ petition would stand allowed, setting aside Exts.P13 and P14 and directing a fresh consideration at the hands of the Chairman and Managing Director of the 2nd respondent herein within a period of three weeks from today. The question as regards the requirement



to pass an order in the nature of the one at Ext.P14 is to be considered after the finalisation of the proceedings, as above.

Needless to say, the petitioner is also to be heard while passing the order, as above.

Sd/-
HARISANKAR V. MENON
JUDGE

Skk

APPENDIX OF WP(C) NO.36658 OF 2023PETITIONER'S EXHIBITS:

- EXHIBIT P1 TRUE COPY OF THE NEWS REPORT DATED 04.08.2023
APPEARED IN KERALA KAUMUDI NEWSPAPER
- EXHIBIT P2 THE TRUE COPY OF THE SHOWCAUSE NOTICE NO.D16-
24141/23 DATED 05.08.2023 ISSUED TO THE
PETITIONER BY THE 4TH RESPONDENT
- EXHIBIT P3 TRUE COPY OF THE REPLY DATED 07.08.2023
SUBMITTED BY THE PETITIONER TO THE 4TH
RESPONDENT
- EXHIBIT P4 TRUE COPY OF THE PROCEEDINGS NO.D-16-24141/23
DATED 08.08.2023 OF THE 3RD RESPONDENT
- EXHIBIT P5 TRUE COPY OF THE PROCEEDINGS NO.B-05/2023 DATED
09.08.2023 OF THE DEPOT MANAGER, KOZHIKODE
- EXHIBIT P6 TRUE COPY OF THE REPRESENTATION DATED
11.08.2023 SUBMITTED BY THE PETITIONER BEFORE
THE 3RD RESPONDENT
- EXHIBIT P7 THE TRUE COPY OF THE REPORT DATED 09.08.2023
SUBMITTED BY THE QUALITY CONTROLLER/ANALYST OF
MAVELI STORE, PALAYAM
- EXHIBIT P8 THE TRUE COPY OF THE STATEMENT DATED 21.08.2023
FILED BY THE CORPORATION IN W.P NO.27014/2023
- EXHIBIT P9 THE TRUE COPY OF THE REPLY AFFIDAVIT DATED
23.08.2023 IN W.P NO.27014/2023
- EXHIBIT P10 THE TRUE COPY OF THE JUDGMENT DATED 23.08.2023
IN W.P NO.27014/2023
- EXHIBIT P11 THE TRUE COPY OF THE COMMUNICATION DATED
04.07.2023 OF THE MANAGER (MARKETING)
- EXHIBIT P12 TRUE COPY OF THE NOTICE NO.D-1089/23 DATED
04.09.2023 OF DEPOT MANAGER AFFIXED ON THE
RENTED HOUSE OF THE PETITIONER



EXHIBIT P13 TRUE COPY OF THE ORDER DATED 31.10.2023 OF THE
3RD RESPONDENT RECEIVED THROUGH WHATSAPP

EXHIBIT P14 TRUE COPY OF THE PROCEEDINGS NO.B-05/2023 DATED
01.11.2023 OF THE DEPOT MANAGER, KOZHIKODE

EXHIBIT P15 THE TRUE COPY OF THE RTI APPLICATION DATED
25.03.2024 SUBMITTED BY THE PETITIONER

EXHIBIT P16 THE TRUE COPY OF THE RTI REPLY DATED 30.04.2024
RECEIVED BY THE PETITIONER

EXHIBIT P17 THE TRUE COPY OF THE RTI APPLICATION DATED
03.06.2024 SUBMITTED BY THE PETITIONER

EXHIBIT P18 THE TRUE COPY OF THE RTI REPLY DATED 06.06.2024
ALONG WITH THE DOCUMENT RECEIVED BY THE
PETITIONER

EXHIBIT P19 THE TRUE COPY OF THE RTI APPLICATION DATED
24.08.2023 FILED BY MR.VAISAKH K.M

EXHIBIT P20 THE REPLY FURNISHED BY THE CORPORATION TO MR.
VAISAKH K.M DATED 14.09.2023

EXHIBIT P21 THE TRUE COPY OF THE PROCEEDINGS
NO.KSCSC/3071/2023-QA2 DATED 16.03.2024 OF
MANAGER QA

EXHIBIT P22 THE TRUE COPY OF THE CIRCULAR NO.29/2018 DATED
20.12.2018 ISSUED BY THE CORPORATION

EXHIBIT P23 THE TRUE COPY OF THE PROCEEDINGS NO.D16 (D23-
OLD)- 26558/19 DATED 16.11.2021 OF THE AGM

RESPONDENTS' EXHIBITS:

EXHIBIT R2 (A) PROCEEDINGS NO. D6-2596/21 DATED JUNE 10, 2021
OF THE CHAIRMAN AND MANAGING DIRECTOR

EXHIBIT R2 (B) PROCEEDINGS NO. B-02/2020 DATED JUNE 11, 2021
OF THE REGIONAL MANAGER KOZHIKODE