

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

WP(C).No. 34455 of 2007(B)

PETITIONER:

K.V.JAYALAL, NOW WORKING AS DAIRY
EXTENSION OFFICER, KUNNAMANGALAM,
KOZHIKODE.

BY ADV. SRI.T.M.CHANDRAN
SRI.S.SUJITH
SRI.V.A.SASIDHARAN
SRI.JOSEPH ALBIN NEDUNTHALLY

RESPONDENTS:

1. THE SECRETARY TO ANIMAL HUSBANDRY
AND DAIRY DEPARTMENT, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.
2. DEPARTMENTAL PROMOTION COMMITTEE
REPRESENTED BY THE CONVENER AND DIRECTOR,
DAIRY DEVELOPMENT DEPARTMENT, PATTOM,
THIRUVANANTHAPURAM.
3. DIRECTOR, DAIRY DEVELOPMENT DEPARTMENT,
PATTOM, THIRUVANANTHAPURAM.

BY GOVT. PLEADER SHRI. BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

V.GIRI,J.

W.P (C) No.34455 of 2007

Dated this the 3rd December, 2007

J U D G M E N T

The petitioner, who is working as Dairy Extension Officer in the Department of Animal Husbandry and Dairy, is aggrieved by the fact that he has not been promoted to the post of Assistant Director of Dairy Development in spite of the fact that he is included provisionally in the select list of officers prepared by the Head of the DPC, as evidenced by Exhibit-P5.

2. Learned Government Pleader, on instruction, submits that the petitioner cannot be promoted at this stage on account of the pendency of a vigilance case against him before the Court of the Enquiry Commissioner and Special Judge, Kozhikode. Cognizance of the vigilance case, under the provisions of the Prevention of Corruption Act and Penal Code has been taken in C.C.45/2004.

In the circumstances, I do not think it is either open or appropriate for this Court to issue a direction to the respondent to promote the petitioner by way of enforcement of Exhibit-P5 select list. In my view, the petitioner can legitimately pursue his claim only on completion of the vigilance case and that too

subject to the outcome of the same. It is up to the petitioner to move for an expeditious completion of the vigilance case . But a direction to that effect will have to be sought for in other appropriate proceedings. Subject to this right of the petitioner , the writ petition is disposed of.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007