

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

FRIDAY, THE 1ST DAY OF JUNE 2018 / 11TH JYAISHTA, 1940

WP(C).No. 18096 of 2018

PETITIONER(S) :

- 1 DEEPA.R,
LAB ASSISTANT, MRCMPU LTD, MILK CHILLING PLANT,
ATTAPPADY, PIN-678 581.
- 2 KRISHNARAJ.S,
LAB ASSISTANT, MRCMPU LTD, MILMA PALAKKAD DIARY,
KALLEPULLY P.O, PALAKKAD-678 018.
- 3 SHITHA MATHAI,
LAB TECHNICIAN GRADE II, MRCMPU LIMITED, WAYANAD,
KALPETTA-673 121
- 4 VIDHYA M.K,
LAB ASSISTANT, MRCMPU LTD, KOZHIKODE DAIRY,
KOZHIKODE-673 571
- 5 NAMITHA K.T,
LAB ASSISTANT, MRCMPU LTD, THRISSUR DIARY,
RAMAVARMAPURAM, THRISSUR-680 631.
- 6 TEEMA K.P,
LAB ASSISTANT, MILMA CENTRAL PRODUCTS DIARY,
NADUVATTOM, KOZHIKODE-673 028.
- 7 THARA C. ,
LAB ASSISTANT, MRCMPU LTD, PALAKKAD DIARY,
KALLEPULLY P.O, PALAKKAD-678 018.
- 8 DIVYA M. ,
LAB ASSISTANT, MRCMPU LTD, KOZHIKODE DIARY,
KOZHIKODE-673 571.

BY ADVS.SRI.P.RAMAKRISHNAN
SMT.PREETHI RAMAKRISHNAN
SRI.T.C.KRISHNA
SRI.C.ANIL KUMAR
SMT.ASHA K.SHENOY
SRI.PRATAP ABRAHAM VARGHESE

WP(C).No. 18096 of 2018

RESPONDENT(S) :

1. MALABAR REGIONAL CO-OPERATIVE MILK PRODUCER'S UNION LIMITED (MRCMPU LTD), PERINGOLAM, KUNNAMMANGALAM, KOZHIKODE-673 571, REPRESENTED BY ITS MANAGING DIRECTOR.
2. THE MANAGING DIRECTOR IN CHARGE, MALABAR REGIONAL CO-OPERATIVE MILK PRODUCERS' UNION LIMITED, (MRCMPU LTD) PERINGOLAM, KUNNAMANGALAM, KOZHIKODE-673 571.
3. THE DIRECTOR/REGISTRAR, DIARY DEVELOPMENT DEPARTMENT, KSHEERA BHAVAN, PATTOM, THIRUVANANTHAPURAM-695 004.
4. V.P SURESH KUMAR, DEPUTY DIRECTOR (GENERAL), DIRECTORATE OF DAIRY DEVELOPMENT, PATTOM, THIRUVANANTHAPURAM-695 004.
5. STATE OF KERALA, REPRESENTED BY ITS SECRETARY, ANIMAL HUSBANDRY AND DAIRY DEVELOPMENT DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.

R1 & R2 BY SMT.LATHA ANAND, SC, MRCMPU LTD.

R3 & R5 BY SR GOVERNMENT PLEADER SRI.P.RAMAKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01-06-2018, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

sts
7/6/2018

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1 TRUE COPY OF THE NOTIFICATION DATED 5.5.2010
ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P2 TRUE COPY OF COMPLAINT RECEIVED BY THE 4TH
RESPONDENT ON 21.4.2017.

EXHIBIT P3 TRUE COPY OF THE REPORT DATED NIL SUBMITTED BY
THE 4TH RESPONDENT.

EXHIBIT P4 TRUE COPY OF ORDER DATED 31.3.2018 ISSUED BY THE
3RD RESPONDENT.

EXHIBIT P5 TRUE COPY OF THE ORDER DATED 23.4.2018 ISSUED BY
THE 2ND RESPONDENT TO THE 1ST PETITIONER.

EXHIBIT P6 TRUE COPY OF MEMORANDUM OF APPEAL DEHORS THE
ANNEXURES FILED BY THE PETITIONERS BEFORE THE
5TH RESPONDENT.

EXHIBIT P7 TRUE COPY OF REPLY DATED 29.5.2018 SUBMITTED BY
THE 1ST PETITIONER TO THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A. TO JUDGE

ANU SIVARAMAN, J.

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W.P.(C).No. 18096 of 2018

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Dated this the 1st day of June, 2018

J U D G M E N T

This writ petition is filed challenging Exhibits P3, P4 and P5 consequential proceedings. Exhibit P3 is a report issued in Section 65(1) enquiry. Exhibit P4 is the order issued by the 3rd respondent on the basis of Exhibit P3 report of the 4th respondent finding that the appointments of the petitioners were irregular and they were liable to be terminated. Exhibit P5 notice of termination has been issued to the first petitioner pursuant to Exhibit P4 order. It is submitted by learned counsel for the petitioners that the petitioners have filed Exhibit P6 appeal before the Government against Exhibit P4 order.

2. Heard learned counsel for the petitioners, learned Standing Counsel for respondents 1 and 2 as well as the learned Government Pleader appearing for respondents 3 and 5. In view of the directions being issued, notice to the 4th respondent is dispensed with. It is submitted by the learned Standing Counsel for respondents 1 and 2 that an

appeal has been preferred by the 1st respondent also as against Exhibit P4 order of the 3rd respondent.

3. In the above view of the matter, I am of the opinion that the appeal preferred by the petitioners is liable to be considered and disposed of before further action is taken to terminate the services of the petitioners pursuant to Exhibit P5.

There will be a direction to the 5th respondent to take up, consider and pass orders on Exhibit P6 appeal preferred by the petitioners as also the appeal preferred by the 1st respondent, if the same is received and pending before the 5th respondent. Orders shall be passed with notice to the parties and after hearing them within two months from the date of receipt of a copy of this judgment. Till such time, further proceedings for termination of the services of the petitioners shall be kept in abeyance.

The writ petition is ordered accordingly.

Sd/-

**ANU SIVARAMAN
JUDGE**

sab