

Kerala High Court

Tony Joseph vs K.S.E.B. And Others on 7 July, 2009

IN THE HIGH COURT OF KERALA AT ERNAKULAM

WP(C).No. 18904 of 2009(G)

1. TONY JOSEPH

... Petitioner

Vs

1. K.S.E.B. AND OTHERS

... Respondent

For Petitioner :SRI.B.S.SWATHY KUMAR

For Respondent : No Appearance

The Hon'ble MR. Justice P.N.RAVINDRAN

Dated :07/07/2009

O R D E R

P.N.RAVINDRAN, J.

W.P.(C)No.18904 of 2009

Dated 7th July, 2009

JUDGMENT

Heard Sri.Swathi Kumar, the learned counsel appearing for the petitioner and Sri.K.S.Anil, the learned Standing Counsel appearing for the Kerala State Electricity Board.

2. In this writ petition, the petitioner challenges Ext.P3 order dated 18.12.2008 passed by the second respondent removing him from service with effect from 10.12.2005, the date from which he was unauthorisedly absent. Under the regulations governing the service conditions of the petitioner an appeal lies from Ext.P3 to the Board. The period of limitation prescribed for filing such appeal is two months from the date on which the order impugned is served on the employee. Ext.P3 was admittedly served on the petitioner on 8.1.2009. Therefore, the period of limitation has expired. However, since the order impugned in this writ petition is one removing the petitioner from service,

I am of the opinion that the appellate authority should, if the petitioner files an appeal within two weeks from today, entertain the appeal as one filed within time, consider the same on the merits and pass orders thereon, after affording the petitioner a reasonable opportunity of being heard.

I accordingly dispose of this writ petition with the direction that in the event of the petitioner filing an appeal within two weeks from today before the Kerala State Electricity Board challenging Ext.P3, the Board shall consider the same and pass orders thereon expeditiously and in any event within six months from today. Needless to say the petitioner shall also be afforded a reasonable opportunity of being heard in the matter. The Board shall after orders are passed as directed above communicate a copy thereof to the petitioner.

P.N.RAVINDRAN Judge TKS