



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE MURALEE KRISHNA S.

MONDAY, THE 10<sup>TH</sup> DAY OF MARCH 2025 / 19TH PHALGUNA, 1946

WA NO. 126 OF 2024

AGAINST THE JUDGMENT DATED 11.08.2023 IN WP(C) NO.5229 OF  
2023 OF HIGH COURT OF KERALA

APPELLANT/PETITIONER:

BABILU SANKAR  
AGED 45 YEARS  
GB-1, SREE MANTHRA RESIDENCY ULLOOR LANE, JAGATHY  
THIRUVANANTHAPURAM, PIN - 695014

BY ADVS.

C.S.MANU, DILU JOSEPH, C.A.ANUPAMAN, T.B.SIVAPRASAD  
C.Y.VIJAY KUMAR, MANJU E.R., ANANDHU SATHEESH  
ALINT JOSEPH, PAUL JOSE, S.SREEKUMAR (SR.) (S-571)

RESPONDENTS/RESPONDENTS:

- 1 SREE PADMANABHASWAMY TEMPLE  
MATHILAKAM OFFICE FORT, THIRUVANANTHAPURAM,  
REPRESENTED BY ITS EXECUTIVE OFFICER, PIN - 695023
- 2 THE EXECUTIVE OFFICER  
SREE PADMANABHA SWAMY TEMPLE MATHILAKAM OFFICE FORT,  
THIRUVANANTHAPURAM, PIN - 695023
- 3 THE ADMINISTRATIVE COMMITTEE  
SREE PADMANABHA SWAMY TEMPLE FORT, THIRUVANANTHAPURAM,  
REPRESENTED BY ITS CHAIRMAN, PIN - 695023
- 4 SANUMON K.S , AGED 35 YEARS, KALLARAKKAL HOUSE,



VAZHAVARA P.O. KATTAPANA, IDUKKI DISTRICT, PIN-685508,  
NOW WORKING AS CARETAKER, PANCHAJANYAM, SREE  
PADMANABHA SWAMY TEMPLE, MATHILAKAM OFFICE, FORT,  
THIRUVANANTHAPURAM 695 023 (IS IMPLEADED AS ADDITIONAL  
4<sup>TH</sup> RESPONDENT AS PER ORDER DATED 17.10.2024 IN IA  
NO.1 OF 2024 IN WA No.126 OF 2024)

BY ADVS.

G.Sudheer

R.HARIKRISHNAN (H-308) (K/000642/2013)

SRI. R. SURAJ KUMAR, SC, SREE PADMANABHA SWAMY TEMPLE

THIS WRIT APPEAL WAS FINALLY HEARD ON 24.02.2025 ALONG WITH  
WA No.146 OF 2024, THE COURT ON 10.3.2025 PASSED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE MURALEE KRISHNA S.

MONDAY, THE 10<sup>TH</sup> DAY OF MARCH 2025 / 19TH PHALGUNA, 1946

WA NO. 146 OF 2024

AGAINST THE JUDGMENT DATED 11.8.2023 IN WP(C) NO.17504 OF  
2023 OF HIGH COURT OF KERALA

APPELLANT/PETITIONER:

BABILU SANKAR, AGED 46 YEARS  
GB-1, SREE MANTHRA RESIDENCY ULLOOR LANE, JAGATHY  
THIRUVANANTHAPURAM, PIN - 695014

BY ADVS.

C.S.MANU,DILU JOSEPH,C.A.ANUPAMAN,T.B.SIVAPRASAD  
C.Y.VIJAY KUMAR,MANJU E.R.,ANANDHU SATHEESH  
ALINT JOSEPH,S.SREEKUMAR (SR.)(S-571)

RESPONDENTS/RESPONDENTS:

- 1 SREE PADMANABHASWAMY TEMPLE  
MATHILAKAM OFFICE FORT, THIRUVANANTHAPURAM REPRESENTED  
BY ITS EXECUTIVE OFFICER, PIN - 695023
- 2 EXECUTIVE OFFICER  
SREE PADMANABHA SWAMY TEMPLE MATHILAKAM OFFICE FORT,  
THIRUVANANTHAPURAM, PIN - 695023
- 3 THE ADMINISTRATIVE COMMITTEE  
SREE PADMANABHA SWAMY TEMPLE FORT THIRUVANANTHAPURAM  
REPRESENTED BY ITS CHAIRMAN, PIN - 695023



- 4 SANUMON K.S., AGED 35, KALLARAKKAL HOUSE, VAZHAVARA P.O. KATTAPANA, IDUKKI DISTRICT, PIN-685508, NOW WORKING AS CARE TAKER, PANCHAJANYAM, SREE PADMANABHA SWAMY TEMPLE, MATHILAKAM OFFICE, FORT, THIRUVANANTHAPURAM, PIN-695023. (IS IMPEADED AS ADDL R4 AS PER ORDER DATED 17/10/2024 IN IA 3/24 IN WA 146/24).

BY ADVS.

G.Sudheer

R.HARIKRISHNAN (H-308) (K/000642/2013)

SRI. R. SURAJ KUMAR, SC, SREE PADMANABHA SWAMY TEMPLE

THIS WRIT APPEAL WAS FINALLY HEARD ON 24.02.2025 ALONG WITH WA NO.126 OF 2024, THE COURT ON 10.3.2025 PASSED THE FOLLOWING:



## **COMMON JUDGMENT**

### **Muralee Krishna, J.**

These writ appeals are filed under Section 5(i) of the Kerala High Court Act, 1958 by the petitioner in W.P.(C)No.5229 of 2023 and 17504 of 2023.

2. W.P.(C)No.5229 of 2023 is filed by the appellant under Article 226 of the Constitution of India seeking the following reliefs:

“(i) Issue a writ of mandamus or any other appropriate writ, order, or direction directing respondents 1 and 3 to appoint an IAS or IPS Officer as the Executive Officer of the temple.

(ii). Issue a writ of mandamus or any other appropriate writ, order, or direction directing the 3<sup>rd</sup> respondent to conduct an enquiry into the various acts done by the previous Executive Officer of the temple during the past two years and take necessary action on the basis of such enquiry report for rectifying the various acts of irregularities so far committed by the Executive Officer.

(iii). Issue a writ of mandamus or any other appropriate writ, order, or direction directing the 3<sup>rd</sup> respondent to entrust a new experienced senior staff with the work related to “Vazhipad/Pooja” requiring ritualistic knowledge.

iv. Issue a writ of mandamus or any other appropriate writ, order, or direction directing the respondents to remove Mr.



Sanu mon K S from the service of the 1<sup>st</sup> respondent temple as directed by the State Police Chief, Kerala as per Exhibit P12 and Additional Chief Secretary, Government of Kerala (Department of Home) as per Exhibit P13”.

3. W.P.(C)No.17504 of 2023 is also filed by the appellant under Article 226 of the Constitution of India seeking the following reliefs:

- “(i) Issue a writ of certiorari or any other appropriate writ, order or direction calling for the records leading to Exts.P4, P6, P-9 and P10 and quash Exts.P4 , P6, Ext.P9 and Ext.P10.
- (ii) Grant such other and further reliefs as this Hon’ble Court deems fit and proper in the circumstances of the case.
- (iii) Allow cost of the petition to the petitioner.
- (iv) To dispense with the production of English Translation of documents which are vernacular language.”

4. As per the common judgment dated 11.08.2023 the learned Single Judge disposed of the writ petitions, issuing certain directions. Dissatisfied by the same, the appellant filed these writ appeals. The operative portion of that judgment reads thus:

- “(a) W.P.(C)No.5229 of 2023 is closed, without acceding to the request made by the petitioner made therein; however, leaving him liberty to invoke any other appropriate remedy that he may have as per law.
- (b) W.P.(C)No.17504 of 2023 is allowed, directing the competent Authority of the 3<sup>rd</sup> respondent – Administrative



Committee to take up Exts.P3 and P5 objections of the petitioner against the Memo of Charges and Statement of Imputations respectively and dispose them of, after hearing him; thus culminating in an appropriate decision thereon, to be communicated to him within a period of two months from the date of receipt of a copy of this judgment.

(c) W.P.(C)No.17504 of 2023 is further ordered, leaving liberty to the petitioner to approach the Executive Officer of the Temple with any application that he may choose for leave under the applicable heads as may be available to him, in terms of Ext.P9 therein; and if this is done within two weeks from the date of receipt of a copy of this judgment, it shall be considered in its proper perspective, adverting to his medical condition to be assessed, if so required through proper methods. A final decision in this regard shall be taken by the said Authority within a period of one month from the date on which the petitioner is to make his application in terms of the afore liberty.”

5. The appellant is working as a Senior Clerk in the service of the 1<sup>st</sup> respondent Sree Padmanabha Swamy Temple and he claims that he is the President of BMS Karmachari Sangham which is an association of employees. According to the appellant, it has come to his notice that several acts of impurities were being carried out by various persons relating to the activities of the temple and therefore, he preferred a complaint before the



Chairman of its Administrative Committee. But instead of considering the same on merits, the appellant was issued with a charge memo dated 01.04.2023 alleging that he had made reckless imputations against the committee. The appellant alleges that the memo of charges is untenable and the Administrative Committee has to take an independent decision in his complaint. Hence, the appellant approached this Court with the writ petitions seeking reliefs pertaining to the Temple administration and also against the disciplinary proceedings initiated against him.

6. Respondents 1 to 3 filed a counter affidavit in W.P.(C)No.5229 of 2023 opposing the averments in the writ petition. After considering the rival submissions made at the Bar and the materials on record, the learned Single Judge disposed of the writ petitions as said above.

7. Heard the learned Senior Counsel for the appellant and learned Standing Counsel for Sree Padmanabha Swamy Temple and also the learned counsel for the 4<sup>th</sup> respondent.

8. The learned Senior Counsel for the appellant argued that the appellant had not committed indiscipline, and he was met with disciplinary proceedings since he raised genuine grievances



against the malpractices in the activities of certain persons in the temple administration. In Ext.P16 complaint produced in W.P.(C)No.5229 of 2023 he raised all those malpractices before the Chairman of the Administrative Committee. But no action was taken in that complaint. Now the appellant is not pressing for the larger relief of appointment of an IAS or IPS Officer as the Executive Officer of the temple. He is seeking only the remaining reliefs sought in the writ petitions.

9. On the other hand, the learned Standing Counsel for the 1<sup>st</sup> respondent submitted that the appellant has committed indiscipline, and he did not appear before the Inquiry Officer in disciplinary proceedings. The charge memo issued to him would show that he has raised unnecessary allegations against the Administrative Committee. No interference is needed to the impugned judgment of the learned Single Judge. The learned counsel for the party respondent also supported the arguments of the learned counsel for the 1<sup>st</sup> respondent.

10. In Ext.P16 complaint produced in W.P.(C)No.5229 of 2023, the appellant raised some allegations of misappropriations and mismanagements in the temple administration. Paragraphs



3 to 6 of that complaint read thus:

"3. I beg to submit that lakhs of rupees have been collected from the devotees of the Temple by the Administrative Committee on the reason for making "Thazhikakudam" using copper and gold. However, so far "Thazhikakudangal" have not been put up. Therefore, devotees of the Temple are feeling highly aggrieved. I am a devotee who personally contributed money for making "Thazhikakudangal" using copper. I paid an amount of Rs.76,700/- ( Seventy Six Thousand Seven Hundred) including GST for the same. Though, Mathilakam order No.434/2019/SPST dated 16.10.2019 was issued by the executive officer granting administrative sanction for doing the work was issued so far the same has not been done even after lapse of more than three years.

4. It is submitted that an amount of Rs. 12,00,000 (Twelve Lakhs only) has been collected by the Administrative Committee and the Executive Officer from the devotees of the Temple on the reason that reconstruction of the Idol of Lord Viswaksena, "Upadevan" of the Sree Padmanabha Swamy Temple. However, the "Shilpy" of the work has already undertaken to the Administrative Committee that he would do the work for a nominal fee of Rupee one. When the Administrative Committee prepared a contract for doing the work for a consideration of Rupees Eight Lakhs and presented to the "Shilpy" Mr. Thirukoshtiyoor Madhavan for putting his signature, he refused to do the same and agreed to complete the work for a consideration of Rupee One and



endorsed the same in the contract.

5. It is submitted that Silver plate as well as the silver Rudraksha Chain of the Lord Hanuman which are of very old age and antique were stolen from the Sree Padmanabha Swamy Temple which is a high security area. However, later the above-said antique chain of the Lord Hanuman was traced out from the waste bin of the Thekkenada of the Temple. It is submitted that the silver plate which is taken out the "nilavara" only during the occasion of festival which was stolen, has not been retrieved so far. At this juncture it is relevant to note the documents submitted by the then authorities of the Temple with regard to the loss of the above said antique articles from the Temple. It is the third time the antique articles are stolen from the Temple due to the carelessness of the authorities, after the present came into existence. There are documents relating to the theft of valuable antique articles from the Temple including the Temple plate of the Lord.

6. The guest house and rooms which were constructed and renovated for the purpose of the devotees, towards the development of the Temple by the Central Government expending an amount of Rupees Hundred Cores are now being enjoyed by the Committee and The Police. The devotees are not given any facilities in the Temple. Recently an aged mother suffering from acute diabetics came to the Temple for worshipping the Lord, while standing in the queue for hours, for the same unknowingly happened to urinate in the Temple. She was threatened by the Temple Authorities



and imposed a penalty of Rupees Eleven Thousand on her and collected the said amount from her and obtained an application from her seeking pardon. It is submitted that an amount of Rupees Five Hundred is collected from an ordinary devotee for worshipping the Lord Sree Padmanabha. However, such devotee who have to stand in queue for around five hours for offering worship to the Lord Sree Padmanabha are not given drinking water. There are not even sufficient staff for controlling the huge crowd of the devotees in the Temple. The receipt regarding the collection of Rupees Eleven Thousand as penalty from the above-said aged lady is available on record and the same has to be examined”.

11. These allegations are reiterated in the writ petitions also. According to him, due to the grudge of raising these complaints in Ext.P16, disciplinary action was initiated against him. However, in the counter affidavit filed by respondents 1 to 3, these allegations are denied. Paragraphs 6 to 16 of that counter affidavit filed in W.P.(C)No.5229 of 2023 read thus:

“6. It is submitted that the petitioner, who is working as a senior clerk in the temple has placed reliance on Exhibit P-1 voucher, to show that the work of "Thazhazhikakudam" was entrusted with one "M/s Harihara Associates". If that be so, the petitioner has no authority to authorise any person or institutions to conduct the work of



Thazhikakkudam' of the Temple. The said act amounts to gross dereliction of duty as well which warrants disciplinary action. Moreover, the Temple is not aware of the transaction made by the Petitioner with M/s Harihara Associates. The works relating to the repairs of the roof of the Sreekovil of Sree Padmanabha Swamy commenced during the tenure of the Interim Administrative Committee, constituted by the Hon'ble Supreme Court. The "Thazhikakudam' are also the part of the roof of the Sreekovil. On 08.04.2021, the then Executive Officer-in-Charge placed the request of Sri. Senthilnathan, who was awarded with the work relating to the maintenance of 'Thazhikakudam', before the Administrative Committee, with a report stating that the works were not completed consequent to the outbreak of COVID 19 pandemic and the contractor has intimated his willingness to restart the work. True copy of the said report is produced herewith and marked as Ext.R1 (d). Thereafter, the works were restarted and completed. Thereupon the Administrative Committee, in its meeting held on the 05.02.2022, accorded sanction for disbursement of the amount due to Sri. Senthilnathan for the works carried out by him. A true copy of the extract of the minutes of the meeting of the Administrative Committee dated 05.02.2022 is produced herewith and marked as Ext. R1(e). However, the 'Thazhikakudam' was not installed as it was advised by the 'Thanthri' that the same can be installed after carrying out the repairs/renovation of 'Thazhvaram'. The Committee of experts has already conducted an inspection in this



regard and an estimate has been prepared. True copy of the inspection report 10.08.2022 is produced herewith and marked as Ext.R1 (f). The 'Thazhikakudam' could only be erected as per the advice of the 'Thanthri'.

7. All the allegations in paragraph No. 4 of the Writ Petition are baseless and hence denied. On the recommendations of the Committee of Experts for the renovation of 'Moolabimbams', a decision was taken on 22.03.2022 in the Joint Meeting of the Administrative Committee and the Advisory Committee to award the work relating to the reconstruction of the idol of Lord Vishwaksenan to Sri.Thirukoshtiyur Madhavan for a budget amount of Rs.8,00,000/- (Rupees eight lakh only). Further, the Committee authorised the Executive Officer to incur the expenditure up to +/-15% of the budget amount for the said purpose and he was authorised to release the amount claimed, as advance. Pursuant to the above decision, a letter was issued to Sri. Thirukoshtiyur Madhavan, inviting him to execute an agreement. True copy of the minutes dated 22.03.2022 of the joint meeting of the Advisory Committee and Administrative Committee of the temple is produced herewith and marked as Ext.R1(g). A true copy of the recommendation of the Committee of Experts is produced herewith and marked as Ext.R1(h). True copy of the letter dated 04.04.2022 issued to Sri. Thirukoshitiyur Madhavan is produced herewith and marked as Ext.R1(i). Though Sri.Thirukoshtiyur Madhavan has quoted his rate for carrying out the reconstruction works, at the time of



executing the agreement he voluntarily stated and endorsed in the agreement that he will carry out the work for a consideration amount of Rs.1/- (Rupees one only). Copy of the agreement has been produced as Exhibit P3 in the present Writ Petition. The works relating to the re-construction is in progress. Extract of the general ledger produced as Exhibit P-4 in the Writ Petition relates to the details of the conservation fund of the Temple, to which any devotee can donate. This Hon'ble Court may also kindly take note that the account relating to the conservation fund is active since 14.12.2017. The amounts received as donation for carrying out any renovation works in the temple are deposited in this account. The work relating to the re-construction of the idol of Lord Viswakesan is one of the works being carried out utilising the fund in this account.

8. The allegations in paragraph No. 5 of the above Writ Petition are denied. In the meeting held on 10.03.2022, the Executive Officer reported before the Administrative Committee that on 06.03.2022 the Guard Naik noticed that the silver tagged Rudraksha adorned on the idol of Hanuman Swamy was missing and later the same was found from the flower waste. The Committee directed the Executive Officer to call for explanation from the concerned and submit a report in the next meeting of the Administrative Committee. True copy of the decision of the Administrative Committee held on 10.03.2022 is produced herewith and marked as Ext.R1 (j). Pursuant to the said



decision, the Executive Officer submitted his report on 06.07.2022. The same was accepted by the Committee on 03.08.2022 and the Executive Officer was authorised to warn the delinquent. True copy of the said report dated 06.07.2022 of the Executive Officer is produced herewith and marked as Ext.R1 (k). True copy of -the minutes of the meeting held on 03.08.2022 are produced herewith and marked as Ext.R1 (l) respectively.

9. 'Poovattaka' along with other articles were taken out from Vault H, in connection with Alpasi Festival 1198 ME. The missing of a 'Poovattaka', a small palm-sized silver plate having an approximate weight of 30 gms, was reported by the 'Muthalpidi' of the Temple and the Administrative Committee, in its meeting held on 21.11.2022, directed the Executive Officer to instruct the concerned to take earnest effort to trace out the missing item. In the meeting held on 02.12.2022, the Executive Officer reported that the Muthalpidi made a new one, with same weight, as replacement for the missing 'Poovattaka' on his own cost and produced the same. The Committee recorded the above statement of the Executive Officer. True copy of the said report of the 'Muthalpidi' dated 07.11.2022 is produced herewith and marked as Ext.R1(m). True copy of the minutes of the meeting of the Administrative Committee of the temple dated 21.11.2022 is produced herewith and marked as Ext.R1 (n). True copy of the minutes of the meeting of the Administrative Committee of the temple dated 02.12.2022 is produced herewith and marked as Ext.



R1(o). Now the Poovattaka' has been replaced. There is no material to show theft. Such allegation of theft is only the assumptions of the petitioner lodged with a malafide intention to tarnish the reputation of the temple.

10. The allegations in para 5 of the Writ Petition are baseless and hence denied. The amount, Rs.11,000/- (Rupees eleven thousand only), donated by the devotee for 'Punyaham' was not made on any compulsion. The devotee voluntarily had made the payment.

11. All the allegations contained in paragraph no. 7 are denied. The Administrative Committee has taken a decision to revise the existing Mathilakam Rules, which came into force in 1963. The draft of the same has already been prepared. As per the draft rules, the qualification required for consideration to the post of 'Sreekaryakkar' is a person having a Degree. The Administrative Committee, in its meeting held on 12.01.2023, with the consent of the 'Nambi' and the 'Thanthri', resolved to appoint Sri. Thodi Sreeraman Anantharaman as the 'Sreekaryakkar'. True copy of the minutes dated 12.01.2023 is produced herewith and marked as Ext. R1(p). While taking the decision, the Committee had taken note of the fact that the said person is a graduate.

12. It is submitted that as part of disciplinary proceedings, the person, who was dealing with the 'Ulsavam' section in the Temple, was suspended from service and the duties performed by him was assigned to Sri. Hari A K Menon, who is working as Junior Clerk in the office of the Temple.



Subsequently, a representation was received from the said employee and Sree Padmanabha Swamy Kshethra Karmachari Sangh requesting to cancel the above order issued by the Executive Officer. It was further requested that an experienced person may be posted to deal with the 'Ulsavam' section. Considering the need for moulding junior staff to cope up and deal with 'Ulsavam' in future, in the meeting held on 12.01.2023, the Committee resolved that there is no need to cancel the order issued by the Executive Officer assigning the charge of 'Ulsavam' section to Sri. Hari A K Menon taking into account the fact that he has a long tenure and the fact that he has to be trained for conducting festivals in future. The Committee also resolved that Sri. Hari A K Menon shall be guided by the Manager in his duties in the 'Ulsavam' section. The said decision was taken in the meeting in which the Chief Thanthri of the Temple has participated. True copy of the minutes of the meeting dated 12.01.2023 is produced herewith and marked as Ext.R1(q). All the allegations contrary to the above in paragraphs 8 and 9 in the Writ Petition are false and hence denied.

13. The allegations in paragraph 11 in the Writ Petition are false. A report of the State Police Chief against Sri. Sanumon K S was received. The same has been produced as Exhibit P12 in the Writ Petition. It is mentioned in the report that Sri. Sanumon KS is not suitable for appointment in Sree Padmanabha Swamy Temple. Pursuant to the registration of case, as Crime No. 116/2016 in the Fort Police Station for offences punishable u/ss 294(b), 509 and



506(ii) IPC, Sri. Sanumon was suspended from service and after conducting a formal enquiry, as per order dated 18.09.2020 (which has been produced as Exhibit P-15 in the Writ Petition), a punishment of withholding of two increments with cumulative effect was imposed on him. While imposing the punishment, the Executive Officer has mentioned in the order that Sri. Sanumon shall not be considered to deal with computer, server, website, online booking etc. in future. In the meeting held on 07.06.2022, after considering the above order, the Administrative Committee resolved to deploy Sri. Sanumon KS as counter clerk, which has no connection with the afore sections. It may be taken note that the case against Sri. Sanumon KS is pending before the Judicial I Class Magistrate Court - IV, Thiruvananthapuram, as CC 384/2020. True copy of the of the said decision dated 07.06.2022 is produced herewith and marked as Ext. R1(r).

14. It is submitted that the petitioner has no locus standi to suggest the eligibility criteria of the Executive Officer or anyone in the temple. As per the said Judgment of the Hon'ble Supreme Court, the power to appoint the Executive Officer is vested with the Administrative Committee. As the qualification and other parameters for consideration for the appointment to the post of Executive Officer have not been mentioned in the Judgment, it is up to the Administrative Committee to take a decision in these matters. It may be taken note that in Para 117 of the Judgment, it has been mentioned that the Executive Officer appointed by the



Administrative Committee shall be entitled to a modest and reasonable remuneration to be fixed by the Administrative Committee.

15. It is submitted that Sri. B Suresh Kumar, formerly Executive Officer, tendered his resignation on personal grounds, vide his letter dated 12.01.2023, and the same was accepted by the Administrative Committee in its meeting held on 21.01.2023. True copy of the said resignation letter dated 12.01.2023 is produced herewith and marked as Ext. R1(s). Notification inviting applications for the appointment of a new Executive Officer on contract basis has already been issued and the process is nearing completion. The petitioner has no right to question the authority/right of the Administrative Committee to appoint/select the Executive Officer. The very attempt of the petitioner is to interfere in the selection process of the executive officer. It is also pertinent to note that the petitioner was working as a subordinate to the above said Executive Officer without any complaint and the allegations have been raised only after his resignation and leaving the job. The allegations raised are vague and no material has been produced in support. It may also be noted that though allegations have been made against the former Executive Officer, he has not been made a party to the proceedings.

16. It is submitted that administration of the temple is done by the Administrative committee fully in compliance of the direction of the Hon'ble Supreme court in the above said judgment. The accounts of the temple are being audited by



the internal auditor and statutory auditor”.

12. Though the appellant raised allegations of several improper acts including mismanagement against some persons in the temple administration, he could not substantiate the same by placing any convincing materials on record. Those allegations are refuted by the respondents. The representation submitted by the appellant was considered by the Administrative Committee in detail and found its contents as per se derogatory and untrue, made in an irresponsible manner without any bonafides. As per Ext.P2 show cause notice dated 24.02.2023 produced in W.P.(C)No.17504 of 2023, explanation was called for from the appellant for indiscipline and misconduct. The learned Single Judge considered these aspects while passing the impugned judgment and disposed of the writ petitions by issuing certain directions.

13. It is also clear from the rival submissions made at the Bar that the appellant is now facing disciplinary proceedings and he did not appear before the Enquiry officer. In W.P.(C)No.17504 of 2023, the appellant is challenging Ext.P4 memo of charges dated 01.04.2023, Ext.P6 order of transfer dated 17.02.2023



posting him as Storekeeper, Ext.P9 order dated 20.04.2023 rejecting his application for medical leave for a period of 43 days and Ext.P10 communication dated 27.05.2023 informing him about the rejection of his leave application.

14. As far as Ext.P6 order of transfer is concerned, it is only a change of Section in the same office. The appellant was ordered to be transferred as Storekeeper by that order. It is the employer who has to decide where an employee has to be placed in the office concerned for better administration of that office. The appellant could not point out any mala fides or illegality in Ext.P6 order.

15. It is trite that in disciplinary proceedings, the High Court, in exercise of power under Article 226 or 227 of the Constitution of India, shall not venture into reappraisal of evidence. The writ Court can interfere with the findings of guilty recorded by the Inquiry officer only if it was based on perverse finding. In the instant case, the disciplinary proceeding initiated against the appellant is in progress. It did not culminate into its natural end. In such circumstances there is no sufficient ground made out by the appellant which warrants interference of the writ court to the



disciplinary proceedings initiated against him.

Having considered the pleadings and materials on record and the submissions made at the Bar, we find no sufficient ground to interfere with the impugned judgment of the learned Single Judge.

In the result, the appeals stand dismissed. All pending interlocutory applications stand closed.

Sd/-

**ANIL K.NARENDRAN, JUDGE**

Sd/-

**MURALEE KRISHNA S., JUDGE**