



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

WEDNESDAY, THE 28TH DAY OF JANUARY 2026 / 8TH MAGHA, 1947

WP(C) NO. 1412 OF 2026

PETITIONER:

SHAMSEERA PARAMBATH
AGED 33 YEARS
DAUGHTER OF SOOPI P ACCREDITED ENGINEER, VELOM
GRAMA PANCHAYATH, POOLAKKOL P.O., KOZHIKODE
RESIDING AT POOMANGALATH HOUSE, VATAYAM P.O.,
KOZHIKODE, PIN - 673507

BY ADVS.
DR.K.P.PRADEEP
SHRI.T.T.BIJU
SMT.SMITHA GOPINATH
SMT.T.THASMI
SMT.M.J.ANOOPA

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO THE GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 2 MISSION DIRECTOR
MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT
GUARANTEE SCHEME, KERALA, 3RD FLOOR, REVENUE
COMPLEX, PUBLIC OFFICE COMPOUND,
THIRUVANANTHAPURAM, PIN - 696033
- 3 DISTRICT PROGRAMME CO-ORDINATOR
KOZHIKODE DISTRICT, MAHATMA GANDHI NATIONAL RURAL
EMPLOYMENT GUARANTEE SCHEME, DISTRICT CELL,
KOZHIKODE, C BLOCK, CIVIL STATION, KOZHIKODE, PIN
- 673020
- 4 VELOM GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY. POOLAKOOL P.O.,



KOZHIKODE, PIN - 673507

- 5 THE SECRETARY
VELOM GRAMA PANCHAYATH, POOLAKOOL P.O.,
KOZHIKODE, PIN - 673507
- 6 INSPECTOR OF POLICE
OFFICE OF THE SUPERINTENDENT OF POLICE, VIGILANCE
AND ANTI CORRUPTION BUREAU, NORTHERN ZONE,
KOZHIKODE, THONDAYAD, KOZHIKODE, PIN - 673017

R1 & R6 BY SPL.GOVERNMENT PLEADER SRI.RAJESH.A,
SR.GOVERNMENT PLEADER SMT.REKHA.S

R4 & R5 BY ADVS.
SRI.VINOD SINGH CHERIYAN
SRI.T.M.KHALID
SMT.K.P.SUSMITHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 28.01.2026, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

**CR****JUDGMENT**

Dated this the 28th day of January, 2026

This writ petition has been filed under Article 226 of the Constitution of India and the prayers herein are as under:

- i. To call for the records leading to issue Exhibit P2 notice issued by the 5th respondent and issue a Writ of Certiorari, or any other writs or order or direction to quash Ext P2 notice.*
- ii. To call for the records leading to issue Exhibit P3 report of the 6th respondent and to issue a Writ of Certiorari, or any other writs or order or direction to quash Ext P3 report to the extent of finding and the recommendation No 1 with respect to termination of employment of the petitioner under the Mahatma Gandhi National Rural Employment Guarantee Scheme, at the 4th respondent herein.*
- iii. Direct the respondents to pay cost of these proceedings*
- iv. It is also prayed that this Hon'ble Court may be pleased to dispense with the production of translation of vernacular documents produced in the writ petition.*
- v. Grant any other relief, in the interest of justice,*



which this Hon'ble Court deems fit in the facts and circumstances of the case.”

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader as well as the learned counsel appearing for respondent Nos.4 and 5.

3. The facts involved in this case, in a nutshell, are that Ext.P3 report dated 25.10.2023 was submitted by the Inspector of Police, VACB, North Zone, Kozhikode, recommending the removal of the petitioner from the post of Accredited Engineer on the finding that there was dereliction of duty on the part of the petitioner. As per Ext.P7, the 3rd respondent communicated the recommendation to the Block Programme Officer, Kunnummal Block Panchayat, on 13.11.2025, and thereafter, as per Ext.P2 notice dated 05.01.2026, an explanation was called for from the petitioner within ten days as to why she should not be removed from her job.

4. According to the learned counsel for the petitioner, merely on the basis of Ext.P3 report of the VACB, the issuance of Ext.P2 show cause notice and the consequential



removal of the petitioner from the post of Accredited Engineer are illegal even though the petitioner is a contractual employee. It is specifically pointed out that Ext.P9 dated 03.01.2026 contains a series of guidelines issued by the Government governing the procedure for disengagement of contractual employees working under the Mahatma Gandhi National Rural Employment Guarantee Scheme (for short, 'MGNREG Scheme' hereinafter), Kerala. So, according to the learned counsel for the petitioner, the procedure contemplated under Ext.P9 is required to be followed for removing the petitioner, and any action taken in gross violation of Ext.P9 merely on the basis of Ext.P2 show cause notice, emanating from Ext.P3, is illegal.

5. The learned counsel appearing for respondent Nos.4 and 5 filed a counter affidavit duly affirmed by the Secretary, Velom Grama Panchayath. Since the contents of the counter affidavit in paragraph Nos.2 to 5 are relevant, the same are extracted as under:

“2. It is respectfully submitted that the petitioner has to prove his locus standi and the contentions in Paras 1 to 3 of the writ petition regarding the modus operandi of the MGMNREGS and the roll of the petitioner in the 4th



respondent Grama Panchayat. Exhibit P1 appointment order is admitted which shows that the petitioner is not a regular employee but a personnel engaged on contract basis for a term which can be extended or terminated by the Appointing Authority.

3. It is respectfully submitted that as contented by the petitioner, Exhibit P2 notice was issued in compliance with the Exhibit P3 direction. The contentions in Paras 9 and 10 that there was no lapse on the part of the petitioner is incorrect in the light of the Exhibit P3 report. Exhibit P4 statement and Exhibit P4(a) report of the petitioner are admitted. Further, Exhibit P5 letter of the 1st respondent, Exhibit P6 letter of the Additional Chief Secretary, Exhibit P7 letter issued by the 3rd respondent and Exhibit P8 letter of the Assistant Engineer of the Panchayat are also admitted. The contentions in Para 16 regarding the unauthorized activities of the Contractor are true.

4. It is respectfully submitted that the Exhibit P9 guide lines could not be followed by this respondent since this respondent had to comply with the directions received from higher authorities. However, the petitioner has already submitted a reply to the Exhibit P2 notice as directed in the Interim Order passed by this Hon'ble Court in the matter on 15-01-2026. A copy of the reply received from the petitioner on 15-01-2026 is produced herewith and marked as Exhibit R5(a).

5. It is humbly submitted that the Exhibit R5(a) reply was placed before the Grama Panchayat meeting held



on 19-01-2026. In it's capacity as the Appointing Authority, the opinion of the Grama Panchayat is of crucial significance in the present matter and deserves due consideration. However, the Panchayat didn't take any decision since the matter is presently pending consideration before this Hon'ble Court. A copy of the Resolution No: 5 Dated 19-01-2026 is produced herewith and marked as Exhibit R5(b)."

6. The learned counsel for the petitioner contends that the Vigilance has no authority to unilaterally recommend the removal of a contractual employee from service and, therefore, such recommendation cannot form the basis for removal of a contractual employee working under the MGNREG Scheme in derogation of the guidelines as per Ext.P9.

7. The learned Special Government Pleader opposed the same and submitted that Ext.P3 emanated from a full-fledged enquiry conducted after recording the statements of the material witnesses including the petitioner and, therefore, the recommendation of the Vigilance is not liable to be interfered with.

8. On perusal of Ext.P3 report, even though its



legality is challenged by the petitioner, it would appear that Ext.P3 report was filed after recording statements of seven persons and the third person questioned was none other than the petitioner. Anyhow, no vigilance case was recommended and, as per Ext.P3 report, on finding dereliction of duty on the part of the petitioner, who is admittedly a contractual employee, her removal was recommended.

9. It is relevant to note that as per the counter affidavit sworn by the 5th respondent, it has been stated that Ext.P9 guidelines could not be followed by the 5th respondent, since she had to comply with the directions received from higher authorities. In fact, the said explanation is found to be unacceptable. At the same time, on a perusal of Ext.P3 report, this Court could not find any illegality therein, as it only recommends the removal of the contractual employee upon finding dereliction of duty, as explained in detail therein. Therefore, the challenge against Ext.P3 report is found to be untenable and the same is repelled. However, it is discernible that the petitioner is admittedly a contractual employee working under MGNREG Scheme. Though the petitioner cannot claim



any vested right to continue in the post, since her appointment itself is contractual in nature, the procedure contemplated under Ext.P9 is required to be followed before effecting her removal. Therefore, merely by issuing Ext.P2 show cause notice based on Ext.P3 report, the removal of the petitioner could not be justified. In this context, it is necessary to hold that when Government issues guidelines for the removal or disengagement of a temporary employee, the same has to be followed and bypassing the guidelines for removal or disengagement of a contractual employee is illegal.

10. In view of the above, I am inclined to interfere with Ext.P2 show cause notice. Accordingly, this writ petition is allowed in part. Ext.P2 show cause notice is found to be insufficient and unsustainable, as the same is issued in violation of the procedure contemplated under Ext.P9, and accordingly, Ext.P2 show cause notice is set aside and Ext.P3 report is upheld. Consequently, the 5th respondent is directed to initiate fresh proceedings by strictly following the procedure contemplated under Ext.P9, before effecting the removal/disengagement of the petitioner, on the allegation of



dereliction of duty as recommended in Ext.P3, after arriving a finding thereof, in accordance with law by following the guidelines as per Ext.P9 while following the procedures in Ext.P3 recommendation also to be considered.

The petitioner shall continue in service unless the 5th respondent is inclined to order temporary removal till a decision is taken, as directed, after following Ext.P9 guidelines.

There shall be a direction to the 5th respondent to finalise the procedure for removal after following the guidelines as per Ext.P9 within a period of three months from today.

This writ petition stands disposed of as indicated above.

Sd/-
A.BADHARUDEEN
JUDGE

Bb

APPENDIX OF WP(C) NO. 1412 OF 2026

PETITIONER'S EXHIBITS

- Exhibit P1 TRUE COPY OF THE APPOINTMENT ORDER NO A1-5136/2014 DATED 8-1-2025 ISSUED BY THE 5TH RESPONDENT
- Exhibit P2 TRUE COPY OF THE NOTICE NO.6286462-2025 DATED 05-01-2026 ISSUED BY THE 5TH RESPONDENT
- Exhibit P3 TRUE COPY OF THE COMMUNICATION NO.E13-(PE-5/2022/NRK)28528/2020/DVACB DATED 07-02-2024 WITH ANNEXURE REPORT ISSUED BY THE DIRECTOR, VACB, THIRUVANANTHAPURAM
- Exhibit P4 TRUE COPY OF THE STATEMENT OF THE PETITIONER
- Exhibit P4(a) TRUE COPY OF THE REPORT DATED 22-08-2025 SUBMITTED BY THE PETITIONER
- Exhibit P5 TRUE COPY OF THE LETTER NO. DD2/96/2025/LSGD DATED 14-07-2025 ISSUED BY THE 1ST RESPONDENT TO THE 2ND RESPONDENT
- Exhibit P6 TRUE COPY OF THE LETTER NO.VG D2/287/2021-VG DATED 07-08-2024 ISSUED BY THE ADDITIONAL CHIEF SECRETARY, VIGILANCE DEPARTMENT
- Exhibit P7 TRUE COPY OF THE LETTER NO. NREGA-KKD/116/2025-A5 DATED 13-11-2025 ISSUED FROM THE OFFICE OF THE 3RD RESPONDENT
- Exhibit P8 TRUE COPY OF THE REPLY DATED 04-06-2025 SUBMITTED BY SMT.PRIYA S TO THE JOINT DIRECTOR, LSGD, KOZHIKODE
- Exhibit P9 TRUE COPY OF THE CIRCULAR NO. NREGA/1393/2025-B1 DATED 3-1-2026 ISSUED BY THE 2ND RESPONDENT

RESPONDENTS' EXHIBITS

- EXHIBIT R5(A) COPY OF THE REPLY RECEIVED FROM THE PETITIONER ON 15-01-2026
- EXHIBIT R5(B) COPY OF THE R5(B) RESOLUTION NO: 5 DATED 19-01-2026 OF THE VELOM GRAMA PANCHAYATH