



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

WEDNESDAY, THE 17TH DAY OF DECEMBER 2025 / 26TH AGRAHAYANA,
1947

WP(C) NO. 39191 OF 2025

PETITIONER

VK CHACKO,
AGED 63 YEARS
S/O.LATE KOCHAPPU, VADAKKUMPADAM HOUSE,
MOTHIRAKKNAI (PO) PARIYARAM , THRISSUR (DT) , PIN -
680724

BY ADVS.
SRI.SHINTO THOMAS
SRI.RAM VINAYAK
SRI.MOHAMED ASLAM V.P.
SMT.SONA VIJAYAN K.
SMT.AYANA L BIJU

RESPONDENTS :

- 1 VEGETABLE AND FRUIT PROMOTION COUNCIL KERALAM
REPRESENTED BY CHIEF EXECUTIVE OFFICER
MYTHRI BHAVAN, KAKKANAD, NEAR DOORDARSHAN KENDRA,
ERNAKULAM DISTRICT, PIN - 682037
- 2 CHIEF EXECUTIVE OFFICER
VEGETABLE AND FRUIT PROMOTION COUNCIL KERALAM,
MYTHRI BHAVAN, KAKKANAD, NEAR DOORDARSHAN KENDRA,
ERNAKULAM DISTRICT, PIN - 682037
- 3 AGRICULTURAL PRODUCTION COMMISSIONER AND PRINCIPAL
SECRETARY
DEPARTMENT OF AGRICULTURE ROOM NO.406, FOURTH
FLOOR, ANNEX II, SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001
- 4 A.K.SHERIF
AGED 63 YEARS



S/O.ALIYARUKUNJU K.R., R.A. 159, KANIYAPURAM, NEAR
KANIYAPURAM RAILWAY STATION, PALLIPPURAM,
THIRUVANANTHAPURAM, PIN - 695301

- 5 T.S.PRAVEERN
S/O.K.K.SREEVALSAN, THOTTUPURAM HOUSE, MUHAMMA
(P.O.), ALAPPUZHA, PIN - 688525
- 6 P.A.ABDUL HASHIM
DEPUTY MANAGER, VFPC, MYTHRI BHAVAN, NEAR
DOORDARSHAN KENDRA, KAKKANAD, ERNAKULAM, PIN -
682037
- 7 S.K.SURESH
AGED 63 YEARS
S/O.SOMAN N., (POSITION) T.C.XII/1735(3),
SREEMANGALAM, MADAN CIVIL LANE, MUTTADA (P.O.),
KUDAPPANAKUNNU, THIRUVANANTHAPURAM, PIN - 695025

R1 AND R2 BY ADV.P.A.AZIZ,STANDING COUNSEL
R3 BY SR.GOVERNMENT PLEADER SMT.REKHA S.
SPL.GOVERNMENT PLEADER SRI.RAJESH A.
R5 BY ADVS.SRI.ELVIN PETER P.J.(SR.)
SRI.K.R.GANESH
SRI.ADARSH BABU C.S.
SMT.AHSANA E.
SRI.ASHIK J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17.12.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

**CR****JUDGMENT**

Dated this the 17th day of December, 2025

This is a petition filed by one V.K.Chacko and the prayers in the petition are as follows:

- i) Issue a writ of mandamus or any other appropriate writ, order or direction commanding Respondent No.2 to forward Exhibit P6 enquiry report and all connected records to Respondent No.3 forthwith, without delay or suppression, for appropriate action;*
- ii) Issue a writ of mandamus or any other appropriate writ, order or direction directing Respondent No.3 to take immediate action on the basis of Exhibit P6 enquiry report, including consideration and grant of sanction for prosecution against Respondents 4 to 7 and others found guilty therein, within a time-frame to be fixed by this Hon'ble Court;*
- iii) Pass such other writ, order or direction as this Hon'ble Court may deem fit and proper in the interests of justice.*
- (iv) Dispense with the filing of English translation of vernacular documents."*



2. Precisely telling, the prayer canvassed in this writ petition is to forward Ext.P6 report prepared by a committee constituting of three Directors of V.F.P.C.K regarding the appointment of HR Manager-In-Charge of Vegetable and Fruit Promotion Counsel, Kerala (V.F.P.C.K) in the custody of the 2nd respondent to the 3rd respondent, who would have to consider grant of sanction under Section 19(1) of the Prevention of Corruption (Amendment) Act, 2018 (for short, 'the PC Act, 2018' hereinafter).

3. It is submitted by the learned counsel for the petitioner that on 01.01.2024 in C.M.P.No.243/2021, the learned Enquiry Commissioner and Special Judge passed Ext.P7 order, directing the petitioner herein to obtain sanction under Section 19(1) of the PC Act, 2018 from the competent authority to proceed with C.M.P.No.243/2021, i.e. Ext.P3. According to the learned counsel for the petitioner, while considering sanction under Section 19(1) of the PC Act, 2018, Ext.P6 report of the committee of three Directors of V.F.P.C.K is having aiding effect and therefore, the prayer in this petition may be allowed, in the interest of justice.



4. Serious objection has been raised by the 5th respondent in this petition contending that as far as his appointment as HR Manager-in-Charge from Deputy Manager is concerned, the same is fully in accordance in law. It is also submitted that challenging appointment, a separate writ petition also is under consideration of this Court moved by the aggrieved persons and the present petitioner is not at all aggrieved by the appointment, though his *locus standi* to file a complaint is legally protected. It is also submitted that Crl.M.C.No.11103 of 2025 is also filed by the 5th respondent herein as petitioner under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, on the submission that no cognizable offence is made out from the complaint. In this regard, it is observed that Crl.M.C.No.11103 of 2025 also was dismissed by this Court by a separate order.

5. Thus, the question that falls for consideration is; who are the parties entitled to the right of hearing while considering the grant of sanction under Section 19(1) of the PC Act, 2018? Here, as per Ext.P7 order, the competent authority has been approached by the petitioner for getting sanction under Section 19(1) of the PC Act, 2018 that too, as directed by the



learned Special Judge. Proviso to sub-section (ii) of Section 19(1) (c) of the PC Act, 2018 stipulates that *in the case of request from the person other than a police officer or an officer of an investigation agency or other law enforcement authority, the appropriate Government or competent authority shall not accord sanction to prosecute a public servant without providing an opportunity of being heard to the concerned public servant*. Thus, at the time of considering sanction, right of hearing is ensured by this provision. Therefore, the sanctioning authority should not grant sanction without providing an opportunity to the aggrieved person, who is the 5th respondent herein. Therefore, the 5th respondent can make his submission before the sanctioning authority as well. In this scenario, for the time being, there is no reason to disallow the prayer in the petition and accordingly, the petition is liable to be allowed.

In the result, this petition is allowed. There shall be a direction to the 2nd respondent to forward Ext.P5 enquiry report to the 3rd respondent for considering grant of sanction. It is specifically made clear that while adverting the question of grant of sanction, the authority shall hear the petitioner as well as the 5th



respondent in terms of the proviso to sub-section (ii) of Section 19(1)(c) of the PC Act, 2018, without fail and to take a decision within a period of three months from the date of receipt or production of a copy of this judgment.

Sd/-
A. BADHARUDEEN
JUDGE

Bb

APPENDIX OF WP(C) NO. 39191 OF 2025

PETITIONER'S EXHIBITS

- Exhibit P1 THE COMPLAINT MADE BY THE PETITIONER BEFORE RESPONDENT NO.4 DATED 16.08.2020
- Exhibit P2 THE REPRESENTATION MADE BY THE PETITIONER BEFORE THE 1ST RESPONDENT BOARD AND THE CHAIRMAN OF VFPC, DATED 22.10.2021
- Exhibit P3 VIGILANCE COMPLAINT WITH CMP.NO.243 OF 2021 FILED BY THE PETITIONER BEFORE THE HON'BLE VIGILANCE COURT, MUVATTUPUZHA, DATED 26.11.2021
- Exhibit P4 THE SANCTION REQUEST LETTER SENT BY THE PETITIONER TO RESPONDENT NO.3, DATED 22.03.2022
- Exhibit P5 THE REPORT SUBMITTED BY RESPONDENT NO.2 TO RESPONDENT NO.3, DATED 12.04.2022
- Exhibit P6 THE REPORT OF THE ENQUIRY COMMITTEE, WHICH WAS OBTAINED UNDER THE RIGHT TO INFORMATION ACT, DATED 14.07.2025
- Exhibit P7 THE ORDER IN CMP NO.243 OF 2021 OF THE HON'BLE ENQUIRY COMMISSIONER AND SPECIAL JUDGE (VIGILANCE), MUVATTUPUZHA, DATED 01.01.2024

RESPONDENTS' EXHIBITS

- EXHIBIT R5(A) TRUE COPY OF THE APPOINTMENT ORDER NO. VFPC/06/HR/2001/11 DATED 01.03.2001 ISSUED BY THE COUNCIL.
- EXHIBIT R5(B) TRUE COPY OF THE REGULARIZATION ORDER NO. VFPC/06/HR/2005/714 DATED 09.05.2005 ISSUED BY THE COUNCIL.
- EXHIBIT R5(C) TRUE COPY OF THE ORDER NO.VFPC/06/HR/959 DATED 09.01.2017 APPOINTING THE PETITIONER MANAGER (HR) AS MANAGER (HR) (IN CHARGE)
- EXHIBIT R5(D) TRUE COPY OF THE ORDER NO.VFPC/06/HR/01/POSTING/2020 DATED 27.08.2020 OF THE CEO
- EXHIBIT R5(E) TRUE COPY OF THE REPORT OF THE EVALUATION AND ASSESSMENT COMMITTEE DATED 18.02.2021 VIDE ORDER NO.VFPC/06/HR/01/2021 OF THE



CHIEF EXECUTIVE OFFICER.

EXHIBIT R5(F) TRUE COPY OF THE APPOINTMENT ORDER NO.
VFPC/06/HR/01/CATEGORY CHANGE OF AM/DM/
2020 DATED 23.02.2021 ISSUED BY THE CHIEF
EXECUTIVE OFFICER.