



2026:KER:12335

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

FRIDAY, THE 13TH DAY OF FEBRUARY 2026 / 24TH MAGHA, 1947

WP(C) NO. 5132 OF 2025

PETITIONER:

GREEVAS JOB PANAKKAL
AGED 46 YEARS
S/O (LATE) VARGHESE JOB PANAKKAL,
PANAKKAL HOUSE, LOWER PARAYIL,
KUNNAMKULAM, THRISSUR,
PIN - 680503

BY ADVS.
SRI.D.SREEKANTH
SRI.ASWIN KUMAR M J
SRI.ALBIN GEORGE
SRI.JEEVADAS H.
SHRI. JAMES JOSE

RESPONDENTS:

- 1 TRACO CABLE COMPANY LIMITED
REGD. OFFICE:SEAPORT - AIRPORT ROAD,
IRIMPANAM, TRIPUNITHURA,
ERNAKULAM, KERALA
REPRESENTED BY ITS MANAGING DIRECTOR,
PIN - 682309
- 2 MANAGING DIRECTOR
TRACO CABLE COMPANY LIMITED
SEAPORT - AIRPORT ROAD,
IRIMPANAM, TRIPUNITHURA,
ERNAKULAM, KERALA, PIN - 682309



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W.P.(C) Nos.5132/2025 & 33223/2025

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3 STATE OF KERALA
DEPARTMENT OF INDUSTRIES AND COMMERCE,
3RD FLOOR, VIKAS BHAVAN, VIKASBHAVAN P.O.,
THIRUVANANTHAPURAM, KERALA
REPRESENTED BY ITS SECRETARY,
PIN - 695033

BY ADVS.
SRI.ABEL TOM BENNY, STANDING COUNSEL
SRI.D.PREM KAMATH
SRI.TOM THOMAS (KAKKUZHIYIL)
SRI.AARON ZACHARIAS BENNY
SRI.ALAN J YOGYAVEEDU
SRI.CLINT JUDE LEWIS
SRI.MATHEW ANGELO DAVIS
SMT.JYOTHIKA KRISHNA
SMT.PRINCY XAVIER, SR.GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 18.12.2025 ALONG WITH WP(C).33223/2025 AND
THE COURT ON 13.02.2026 DELIVERED THE FOLLOWING:



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W.P.(C) Nos.5132/2025 & 33223/2025

: 3 :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

FRIDAY, THE 13TH DAY OF FEBRUARY 2026 / 24TH MAGHA, 1947

WP(C) NO. 33223 OF 2025

PETITIONER:

GREEVAS JOB PANAKKAL
AGED 46 YEARS
S/O (LATE) VARGHESE JOB PANAKKAL,
PANAKKAL HOUSE, LOWER PARAYIL,
KUNNAMKULAM, THRISSUR, PIN - 680503

BY ADVS.
SRI.JEEVADAS H.
SRI.ASWIN KUMAR M J
SRI.ALBIN GEORGE
SRI.JAMES JOSE

RESPONDENTS:

- 1 TRACO CABLE COMPANY LIMITED
REGD. OFFICE: SEAPORT - AIRPORT ROAD,
IRIMPANAM, TRIPUNITHURA,
ERNAKULAM, KERALA
REPRESENTED BY ITS MANAGING DIRECTOR,
PIN - 682309
- 2 MANAGING DIRECTOR
TRACO CABLE COMPANY LIMITED
SEAPORT - AIRPORT ROAD, IRIMPANAM,



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TRIPUNITHURA, ERNAKULAM,
KERALA, PIN - 682309

3 STATE OF KERALA
DEPARTMENT OF INDUSTRIES AND COMMERCE,
3RD FLOOR, VIKAS BHAVAN
VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM, KERALA
REPRESENTED BY ITS SECRETARY,
PIN - 695033

BY ADVS.
SRI.ABEL TOM BENNY,STANDING COUNSEL
SRI.D.PREM KAMATH
SRI.TOM THOMAS (KAKKUZHIYIL)
SRI.AARON ZACHARIAS BENNY
SMT.ANANDITHA RAJEEV
SRI.CLINT JUDE LEWIS
SRI. MATHEW ANGELO DAVIS
SMT.TESSA ROSE
SMT.PRINCY XAVIER, SR.GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 18.12.2025 ALONG WITH WP(C).5132/2025 AND
THE COURT ON 13.02.2026 DELIVERED THE FOLLOWING:



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CR

N. NAGARESH, J.

.....
W.P.(C) No.5132 and 33223 of 2025
.....

Dated this the 13th day of February, 2026

J U D G M E N T

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The Company Secretary of the 1st respondent-Traco Cable Company Limited has filed these writ petitions. The 1st respondent-Company is a State Public Sector Undertaking.

2. The petitioner joined the 1st respondent-Company as Company Secretary on 07.05.2012. The petitioner states that the Company started default in payment of salary from October, 2022 onwards. For a long period,



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salary was not paid. Therefore, the petitioner had no other go than to resign from the job. He submitted resignation on 18.03.2024 and requested to relieve him from service.

3. To the surprise of the petitioner, he received Ext.P2 note issued by the 2nd respondent-Managing Director stating that his case was placed before the 322nd Board meeting and the Board has rejected his resignation stating that it is unfair for the petitioner to leave the Organisation in its present critical financial position without proper substitute. The petitioner was directed to resume duties immediately.

4. The petitioner states that his father passed away on 06.06.2020 leaving his aged mother who had suffered a stroke in the year 2018. She is suffering from neuro and psychiatric issues and she is under treatment for the past many years. The petitioner has to provide treatment to his mother and take care of her necessities.



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5. The petitioner therefore approached the Management and requested to accept his resignation. The petitioner was again issued with Ext.P5 memo dated 25.04.2024 which asked him to give explanation in writing within 48 hours as to why disciplinary action should not be taken against him. The petitioner submitted Ext.P6 reply and requested again to relieve him so that he can go in search of better opportunities and take care of his ailing mother.

6. The petitioner was again served with Ext.P7 memo dated 04.10.2024 directing him to report for duty. The petitioner submitted Ext.P8 reply. The petitioner therefore filed W.P.(C) No.5132/2025 seeking to quash Ext.P4 note and Exts.P5 and P7 memos and to direct respondents 1 and 2 to accept Ext.P2 resignation.

7. While W.P.(C) No.5132/2025 was pending, the respondent-Company issued Ext.P9 memo dated 17.03.2025 to the petitioner requiring him to show-cause as



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to why he has unauthorisedly retained the laptop of the Company. The petitioner gave Ext.P10 reply. The petitioner states that Ext.P9 memo issued subsequent to the filing of W.P.(C) No.5132/2025 is clearly an after thought and is an attempt to interfere with the due course of justice. Ext.P9 memo is vague, contends the petitioner. The petitioner therefore filed W.P.(C) No.33223/2025 seeking to quash Ext.P9 memo.

8. The respondents filed a statement in W.P.(C) No.5132/2025. The respondents stated that the Company has been struggling financially since October, 2022. A comprehensive revival plan has been proposed to clear liabilities. The Managing Director received the petitioner's resignation on 18.03.2024.

9. The Board meeting held on 26.03.2024 noted that the petitioner played a pivotal role and his role as a key advisor to the Managing Director is unavoidable. Given



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the financial crunch of the Company, the petitioner's presence is deemed essential to the Company. The petitioner is uniquely positioned to address queries and concerns raised within the Department. No other Company Secretary qualified personnel is available. Therefore, the Board decided to reject the petitioner's resignation.

10. In the counter affidavit filed in W.P.(C) No.33223/2025, respondents 1 and 2 stated that the petitioner was repeatedly requested to report back duty. The petitioner was required to surrender his Company issued laptop and SIM Card. The petitioner emptied the data in laptop, rendering its contents inaccessible to the Company. The petitioner has therefore misconducted himself.

11. The Company has liabilities to the tune of ₹257 Crores. The Company proposes to sell Company's land. Delay in salary disbursal occurred due to the financial issues. At this time, the petitioner has flagrantly been



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negligent and acted with malicious intent. The writ petitions are therefore without any force or merit and are liable to be dismissed, contended the respondents.

12. I have heard the learned counsel for the petitioner, the learned Standing Counsel representing respondents 1 and 2 and the learned Senior Government Pleader representing the 3rd respondent.

13. The petitioner is working as Company Secretary of the 1st respondent-Company since 07.05.2012. The petitioner has an unblemished service of more than 13 years. The petitioner has been discharging his duties to the satisfaction of respondents 1 and 2. From October, 2022 onwards, there was default in payment of salary to the petitioner.

14. The petitioner's father died on 06.06.2020 and his mother has suffered a stroke and is undergoing treatment for neuro and psychiatric treatment for the past



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many years. The petitioner therefore had no other option than to search for another job. Company Secretaryship is a statutory position under the Companies Act. They are responsible for ensuring compliance with the Companies Act, 2013 by the Companies. As a Key Managerial Personnel, they play a crucial role in corporate governance and are liable for any non-compliance or defaults.

15. The petitioner will not be able to join any other organisation as his Company Secretaryship is tied up with the 1st respondent-Company and the same is registered as such with the Registrar of Companies under the Ministry of Corporate Affairs. Unless and until the Company forwards necessary form DIR-12 to the Registrar of Companies, the petitioner's Company Secretary membership will be tied up with the 1st respondent.

16. Due to the personal and family pressure and since the petitioner lives without prompt receipt of



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monthly salary, the petitioner has submitted resignation. The Board of the 1st respondent-Company refused to accept the resignation submitted by the petitioner and instead has threatened the petitioner with coercive disciplinary action.

17. When an employee submits his resignation, the employer has a duty to accept the same and relieve the employee from his duties. This duty of the employer is subject only to any conditions that may be stipulated in the contract of employment, including any stipulation as regards notice period. A resignation can be rejected if resignation does not follow procedure if any, outlined in the employment contract. In case of "Heat of the moment" resignations, the employer may be justified in delaying its acceptance, giving the employee a chance to rescind it.

18. In the absence of violation of any notice conditions or conditions in the contract of employment, an employer cannot desist from accepting a resignation.



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Another instance where the employer can refuse to accept resignation, is when disciplinary proceedings are contemplated against the employee for grave misconduct or for causing monetary loss to the establishment.

19. In any other event, if the employer refuses to accept resignation of an employee, it would amount to bonded labour prohibited under Article 23 of the Constitution of India. Due to the provisions of the Companies Act, if any Company Secretary is attached to any corporate body, the Company has to register the engagement with the Registrar of Companies. Unless the employer sends statutory request, the name of a Company Secretary will always remain linked to the employer-Company which may cause difficulty for a Company Secretary from seeking appointment elsewhere as Company Secretary.

20. Respondents 1 and 2 have been defaulting in payment of salary to the petitioner since October, 2022.



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The petitioner tendered his resignation on 18.03.2024. More than 20 months have lapsed since submission of resignation. Respondents 1 and 2 have refused to accept the resignation of the petitioner and relieve him from service on the ground that the petitioner's service cannot be dispensed with due to the financial position of the 1st respondent-Company. Financial issues or financial emergency cannot be a reason to force a Company Secretary to work for an incorporated Company against his will and without his consent. The disciplinary proceedings contemplated against the petitioner in the circumstances can only be seen as an attempt by the respondents to violate the right of the petitioner to resign from service.

The writ petitions are therefore allowed. Exts.P4, P5 and P7 in W.P.(C) No.5132/2025 are therefore set aside. Ext.P9 memo in W.P.(C) No.33223/2025 is also set aside. Respondents 1 and 2 are directed to accept



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Ext.P2 resignation letter submitted by the petitioner and relieve him from his services as expeditiously as possible and at any rate within a period of two months. The petitioner shall also be paid arrears of salary, leave surrender benefits and terminal benefits, to which he is legally entitled to as expeditiously as possible subject to the financial position of the Company.

Sd/-
N. NAGARESH, JUDGE

aks/10.02.2026



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APPENDIX OF WP(C) NO.5132 OF 2025

PETITIONER'S EXHIBITS

Exhibit P1 TRUE COPY OF THE PRESCRIPTIONS ISSUED BY THE NEURO AND PSYCHIATRY SECTION OF BABY MEMORIAL HOSPITAL LTD AND INSTITUTE FOR MIND AND BRAIN INMIND HOSPITAL

Exhibit P2 TRUE COPY OF THE RESIGNATION LETTER DATED 18/03/2024 FURNISHED BY THE PETITIONER TO THE 1ST RESPONDENT ORGANIZATION

Exhibit P3 TRUE COPY OF THE LETTER DATED NIL ISSUED BY THE PETITIONER REQUESTING TO DEDUCT SALARY FROM EARNED LEAVE CREDIT

Exhibit P4 TRUE COPY OF THE NOTE NO. MD/01/29/24 DATED 02/04/2024 ISSUED BY THE 1ST RESPONDENT

Exhibit P5 TRUE COPY OF THE MEMO NO. MD/01/48/2024 DATED 25/04/2024 ISSUED BY THE 1ST RESPONDENT

Exhibit P6 TRUE COPY OF THE LETTER DATED 17/05/2024 ISSUED BY THE PETITIONER TO THE 1ST RESPONDENT

Exhibit P7 TRUE COPY OF THE MEMO NO. MD/01/99/2024 DATED 04/10/2024 ISSUED ON BEHALF OF THE 1ST RESPONDENT

Exhibit P8 TRUE COPY OF THE LETTER DATED 04/11/2024 ISSUED BY THE PETITIONER TO THE 1ST RESPONDENT

EXHIBIT P9 TRUE COPY OF THE REPLY DATED 10/05/2025 ISSUED BY ME TO THE RESPONDENT COMPANY

RESPONDENTS' EXHIBITS

EXHIBIT R1(A) TRUE COPY OF THE ACKNOWLEDGEMENT LETTER OF THE PETITIONER



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EXHIBIT R1 (B)	THE TRUE COPY OF THE REVIVAL PLAN OF THE 1ST RESPONDENT COMPANY
EXHIBIT R1 (C)	THE TRUE COPY OF THE EXTRACT OF THE MINUTES OF 322ND MEETING OF THE BOARD OF DIRECTORS OF THE COMPANY HELD ON 26.03.2024
EXHIBIT R1 (D)	THE TRUE COPY OF THE SHOW CAUSE NOTICE DATED 17.03.2025

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APPENDIX OF WP(C) NO.33223 OF 2025

PETITIONER'S EXHIBITS

Exhibit P1 EXHIBIT P1, TRUE COPY OF THE PRESCRIPTIONS ISSUED BY THE NEURO AND PSYCHIATRY SECTION OF BABY MEMORIAL HOSPITAL LTD AND INSTITUTE FOR MIND AND BRAIN INMIND HOSPITAL

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Exhibit P8 EXHIBIT P8, TRUE COPY OF THE LETTER DATED 04/11/2024 ISSUED BY THE PETITIONER TO THE 1ST RESPONDENT

Exhibit P9 EXHIBIT P9, TRUE COPY OF MEMO ISSUED BY THE RESPONDENT COMPANY DATED 17/03/2025 TO THE PETITIONER

Exhibit P10 EXHIBIT P10, TRUE COPY OF THE REPLY DATED 10/05/2025 ISSUED BY PETITIONER TO THE RESPONDENT COMPANY

RESPONDENTS' EXHIBITS : NIL