

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

SATURDAY, THE 20TH DAY OF DECEMBER 2014/29TH AGRAHAYANA, 1936

Con.Case(C).No. 1340 of 2014 (S) IN WP(C).23582/2014

AGAINST THE JUDGMENT IN WP(C) 23582/2014 of HIGH COURT OF KERALA
DATED 24.09.2014

PETITIONER/PETITIONER IN W.P.(C):

ANIYAN T.P., AGED 40 YEARS,
S/O.PARAMESWARAN ACHARY,
WORKING AS EMAPNELLED MECHANIC,
KERALA STATE ROAD TRANSPORT CORPORATION,
THIRUVALLA DEPOT AND RESIDING AT THIRUVAMPADI HOUSE,
KAVUMBHAGAM P.O., THIRUVALLA - 689 102.

BY ADV. SRI.N.UNNIKRISHNAN

RESPONDENT/RESPONDENT NO. 2 IN THE W.P.(C):

SHRI. ANTONY CHACKO, AGED 52 YEARS,
S/O.M.A.CHACKO, RESIDING AT ETTUKKETTIL HOUSE
CHATHANAD P.O.
ALAPPUZHA DISTRICT AND WORKING AS CHAIRMAN
AND MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION,
TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM - 695 023.

R. BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 20-12-2014, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

Con.Case(C).No. 1340 of 2014 (S)

: 2 :

APPENDIX

PETITIONER'S ANNEXURES:

- ANNEXURE 1 : TRUE COPY OF THE JUDGMENT DATED 24.09.2014 IN W.P. (C) NO. 23582/2014.
- ANNEXURE 2 : TRUE COPY OF THE LETTER DATED 10.10.2014 ISSUED BY THE COUNSEL FOR THE PETITIONER TO THE RESPONDENT.
- ANNEXURE 3 : TRUE COPY OF THE LETTER DATED 28.11.2014 ISSUED TO THE RESPONDENT BY THE COUNSEL FOR THE PETITIONER.

RESPONDENTS' ANNEXURES: NIL

//TRUE COPY//

P.A. TO JUDGE.

DAMA SESHADRI NAIDU, J.

Contempt Court Case (C) No. 1340 of 2014
in
W.P. (C) No. 23582 of 2014

Dated this the 20th day of December, 2014.

JUDGMENT

This contempt case is filed by the petitioner in W.P.(C) No. 23582 of 2014 contending that the respondent Corporation has not complied with the direction of this Court in its judgment dated 24.09.2014 in W.P.(C) No. 23582 of 2014, namely regularising the service of the petitioner within one month from the date of receipt of the judgment, taking into account the decision of this Court in KSRTC v. P. Ramadas and others.

2. The learned counsel for the petitioner has submitted that, pointing out the delay in complying with the direction of this Court in Annexure -1 judgment, the petitioner submitted Annexures 2 and 3 representations, but to no avail. At any rate, the learned Standing Counsel for the respondent Corporation has produced before this Court what are said to

be the proceedings dated 20.12.2014 issued by the respondent Corporation. She has submitted that while issuing the proceedings, initially there was an inadvertent error in describing the designation of the petitioner as Conductor instead of Mechanic. Having rectified the mistake, the Corporation issued fresh orders, a copy of which is produced before the court today.

3. At any rate, the Corporation has also filed a sworn affidavit of the respondent explaining the circumstances under which the directions of this Court stood complied with.

4. The learned counsel for the petitioner has, however, contended that the order of regularisation dated 20.12.2014 is laconic and does not reveal any details concerning the pay structure or other service particulars, including the effective date of regularisation.

5. In reply thereto, the learned Standing Counsel has submitted that, as it being the practice, all the empanelled employees whose services have been subsequently regularised

in terms of Government Order dated 22.12.2011 have been regularised with effect from the date of Government Order and if the petitioner is desirable, he could as well make necessary representation to get all the service particulars and the benefits he is entitled to.

Be that as it may, in the light of the proceedings of regularisation dated 20.12.2014 having been issued by the respondent Corporation, though slightly belated, this Court stands satisfied with the explanation submitted by the Corporation and accordingly closes the Contempt Case, recording the submission of the learned Standing Counsel that the petitioner's appointment is retrospective in its nature and he is entitled to all benefits on a par with all other similarly placed employees.

sd/- DAMA SESHADRI NAIDU, JUDGE.

