

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

Con.Case(C) .No. 6 of 2015 (S)

AGAINST THENJUDGMENT IN WP(C) 30847/2012 of HIGH COURT OF KERALA DATED
28-02-2013

PETITIONER/PETITIONER IN WPC

ANIE LUKOSE, D/O.LUKOSE, AGED 56 YEARS
KIZHAKKEDASSERIL, ENANALLOOR P.O
KALAMPOOR, MUVATTUPUZHA, ERNAKULAM.
(RETIRED LECTURER (SELECTION GRADE)
DEPARTMENT OF MATHEMATICS, B.CM COLLEGE, KOTTAYAM

BY ADVS.SRI.MATHEW SKARIA
SRI.K.J.JOSEMON

RESPONDENT/RESPONDENT IN WPC:

SRI.K.K. SRIVASTAVA,
AGE AND FATHER'S NAME NOT KNOWN
PRINCIPAL ACCOUNTANT GENERAL (A & E), OFFICE
OF THE ACCOUNTANT GENERAL (A&E),
THIRUVANANTHAPURAM 695 001

BY GOVERNMENT PLEADER SRI. P. FAZIL.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD
ON 02-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S ANNEXURES:

- ANNEXURE I: PHOTOCOPY OF ORDER No.P-7/3/1008046867 DATED 5.01.2009 OF the RESPONDENT.
- ANNEXURE II: PHOTOCOPY OF ORDER NO.P-7/3/1512164983 DATED 11.06.2012 OF THE RESPONDENT.
- ANNEXURE III: PHOTOCOPY OF VERIFICATION REPORT NO.P.R.2100829805/P-7/3/1512179424 DATED 10.01.2013 OF THE ACCOUNTS OFFICER OF THE RESPONDENT.
- ANNEXURE IV: PHOTOCOPY OF THE REVISED PENSION PAYMENT ORDER NO.P-7/2100829805/3/P/13/15/70177710 DATED 10-01-2013 ISSUED BY THE SENIOR ACCOUNTS OFFICER OF THE RESPONDENT.
- ANNEXURE V: CERTIFIED COPY OF THE JUDGMENT DATED 28.02.2013 IN WPC NO.30847 OF 2012 E, OF THIS HON'BLE COURT.
- ANNEXURE VI: PHOTOCOPY OF LETTER NO.P7/3/2100829805/384 DATED 30.07.2013 ISSUED BY THE RESPONDENT TO THE PETITIONER.
- ANNEXURE VII: PHOTOCOPY OF JUDGMENT DATED 7.04.2014 IN WPC NO.6418 OF 2014B, OF THIS HON'BLE COURT.
- ANNEXURE VIII: PHOTOCOPY OF G.O. (Rt)No.2498/2014/H Edn DATED 21.10.2014.
- ANNEXURE IX: PHOTOCOPY OF LETTER NO.P7/2100829805/3/762 ISSUED BY THE ACCOUNTS OFFICER OF the RESPONDNET TO THE PETITIONER.
- ANNEXURE X: PHOTOCOPY OF THE LAWYER NOTICE DATED 29.12.2014 CAUSED TO THE RESPONDENT BY THE PETITIONER.
- ANNEXURE XI: PHOTOCOPY OF G.O. (P)NO.211/2011 FIN DATED 7.5.2011
- ANNEXURE XII: PHOTOCOPY OF G.O. (P)No.230/2012FIN DATED 19.04.2012.
- ANNEXURE XIII: PHOTOCOPY OF G.O. (Rt)NO.2498/2014/H Edn DATED 21.10.2014
- ANNEXURE XIV: PHOTOCOPY OF CIRCULAR NO.72/05/FIN DATED 30.12.2005.
- ANNEXURE XV: PHOTOCOPY OF VERIFICATION REPORT NO.P.R.2100829805/P-7/3/1513185705 DATED 15.1.2015 ISSUED BY THE SENIOR ACCOUNTANT OF THE RESPONDENT.
- ANNEXURE XV1: PHOTOCOPY OF REVISED PENSION PAYMENT ORDER NO.P/7/2100829805/3/P/15/70244083 DATED 15.1.2015 ISSUED BY THE SENIOR ACCOUNTANT OF THE RESPONDENT.

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RESPONDENT'S EXHIBITS:

ANNEXURE R1 (a) : TRUE COPY OF the LETTER DATED 7.3.2013.

ANNEXURE R1 (b) : TRUE COPY OF the REPLY FROM THE GOVERNMENT VIDE
LR.NO.24771/PENB1/13/FIN DATED 01.11.2013.

ANNEXURE R1 (c) : TRUE COPY OF THE LETTER NO.P7/2100829805/3/1109-10
DATED 27.03.2015.

TRUE COPY

P.A. TO JUDGE.

kp/-

P.N.RAVINDRAN, J.

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Contempt Case (C) No.6 of 2015

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Dated this the 2nd day of September, 2015

JUDGMENT

This contempt case is filed alleging that the respondent has wilfully disobeyed the directions issued by this court in Annexure V judgment delivered on 28.02.2013 in W.P.(C).No.30847 of 2012. Though learned counsel on both sides addressed arguments at length, it is not in dispute that pursuant to directions issued by this court a revised pension payment order was issued to the petitioner. The grievance now sought to be projected is that, even that revised pension payment order was cancelled by Annexure R1(C) letter dated 27.3.2015.

In my opinion, the mere fact that the revised pension payment order which was issued pursuant to the directions issued by this court in Annexure V judgment has been cancelled, is not a reason to hold that the respondent has violated the directions in Annexure V judgment. If the petitioner is aggrieved by the cancellation of the revised pension payment order, her remedy lies in other proceedings. In such circumstances, leaving open the petitioners contentions and reserving liberty with her to challenge Annexure R1(C) letter and

other orders/proceedings whereby she is aggrieved, by instituting other appropriate proceedings, this contempt case is closed.

**P.N.RAVINDRAN
JUDGE**

kp/-