

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

Con.Case(C).No. 1197 of 2009 (S)

AGAINST THE ORDER IN WP(C) 38127/2003 DATED 26-02-2007

PETITIONER/3RD RESPONDENT :

C.S.SANTHAMMA, AGED 56 YEARS,
W/O. SIVANANDAN, SREEVALOM VEEDU, PANAVALLY.P.O.
ALAPPUZHA.

BY ADVS.SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENT/PETITIONR :

JOSE KURIAN AGED 54 YEARS,
S/O. OUSEPH, PULLATTE, POOCHAKKAL.P.O.
CHERTHALA, ALAPPUZHA DIST. PRESIDENT PANAVALLY
SCB LTD., PANAVALLY.P.O., ALAPPUZHA DIST.

R1 BY ADV. SRI.P.N.MOHANAN
SRI.RAMAPRASAD UNNI.T.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD
ON 02-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE I : CERTIFIED COPY OF THE JUDGMENT IN W.P.(C) No.38127 OF
2003 DATED 26.02.2007.

ANNEXURE II : TRUE COPY OF THE JUDGMENT IN W.A. NO.1034 OF 2007
DATED 23.06.2009.

ANNEXURE III : TRUE COPY OF THE REPRESENTATION DATED 29.08.2009.

ANNEXURE IV : TRUE COPY OF THE INTIMATION DATED 06.08.2009.

ANNEXURE V : TRUE COPY OF THE REPRESENTATION FILED BY THE
PETITIONER DATED 08.08.2009.

RESPONDENTS' EXHIBITS:

NIL

/TRUE COPY/

PA TO JUDGE

ASHOK BHUSHAN, C.J. & A.M. SHAFFIQUE, J.

Contempt Case (Civil) No. 1197 OF 2009

Dated this the 2nd day of June, 2015

JUDGMENT

Shaffique, J.

The petitioner has approached this Court alleging contempt on the ground that the directions issued by this Court as per judgment dated 26.02.2007 in W.P.(C) No.38127 of 2003 has not been complied with.

2. Perusal of the aforesaid judgment would indicate that this Court had only directed that the 3rd respondent be reinstated in service after demoting from the post of Secretary. It was further directed that it should be implemented within one month from the date of production of a copy of the judgment. Further it is stated that appropriate orders on regularisation of the period the employee was kept out of service shall also be passed by the Society.

3. It is submitted by learned counsel for the petitioner that though the direction was to demote the petitioner, she was posted as Senior Clerk, whereas she was entitled to be posted as Assistant Secretary/Accountant.

4. Learned counsel for the respondent submits that she could not be posted as Assistant Secretary/Accountant as there was no post or vacancy during the relevant time.

5. Learned counsel for the petitioner further submits that the petitioner was not paid any salary during the relevant time when she was kept out of service. In fact no such direction had been issued by this Court where as this Court only directed the respondents to pass appropriate orders in the matter.

6. Under such circumstances, we are of the view that any willful contempt has been made out in this case. We only observe that if the complainant is not satisfied with the order passed, she is at liberty to approach the appropriate authority.

With the above observation, the Contempt Case is closed.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**