

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

Con.Case(C).No. 279 of 2015 (S) IN WP(C).25180/2014

AGAINST THE ORDER IN WP(C) 25180/2014 of HIGH COURT OF KERALA
DATED 20-10-2014

PETITIONER/PETITIONER IN THE INTERIM ORDER : -

DR.SHYLAJA K.NAIR,
LECTURER AND DRAWING AND DISBURSING OFFICER,
SHREE VIDYADIRAJA HOMOEOPATHIC MEDICAL COLLEGE,
NEMOM, THIRUVANANTHAPURAM - 695 020.

BY ADVS.SRI.S.PRASANTH (AYYAPPANKAVU)
SMT.VARSHA BHASKAR

RESPONDENT/3RD RESPONDENT IN THE INTERIM ORDER : -

DR.R.AJAYAKUMAR,
(43 YEARS, S/O. R. RAMACHANDRAN NAIR),
THE MANAGER,
SHREE VIDYADIRAJA HOMOEOPATHIC MEDICAL COLLEGE,
NEMOM, THIRUVANANTHAPURAM - 695 020.

BY ADV.SRI.N.NANDAKUMARA MENON (SR.)
BY ADV.SRI.SANTHAN V.NAIR

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 22-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

APPENDIX

PETITIONER'S ANNEXURES :

- ANNEXURE 1 : CERTIFIED COPY OF THE INTERIM ORDER DATED 20.10.04
IN WP. (c) No. 25180 OF 2014.
- ANNEXURE 2 : TRUE COPY OF LETTER No. SVVS/56/2014 DATED 08.10.14
SENT BY THE 3rd RESPONDENT.
- ANNEXURE 3 : TRUE COPY OF ORDER No. SVVS/05/2015 DATED 14.01.2015
ISSUED BY THE RESPONDENT.
- ANNEXURE 4 : TRUE COPY OF MEMO OF CHARGES AND STATEMENT OF
ALLEGATIONS DATED 14.01.2015 ISSUED BY THE
RESPONDENT.

RESPONDENT'S ANNEXURES : NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

Contempt Case (c) No. 279 of 2015

Dated this the 22nd day of June, 2015

JUDGMENT

This Court, on 20.10.2014, issued an interim direction in W.P. (C) No. 25180/2014, *inter alia*, to the following effect :

"9. At this juncture, the learned counsel for the petitioner has brought to the notice of this Court Exhibit P16, which is filed along with I.A. No. 13835/2014. A perusal of the said exhibit reveals that there was a direction to the petitioner by the third respondent College to hand over her specimen signature to the treasury department on or before the 17th October in the manner prescribed in the treasury rules. The direction further reads that if the petitioner fails to do that, the management shall be constrained to take very severe disciplinary action.

10. At this juncture, it is relevant to refer to the statement filed by the second respondent University. In paragraph 5 of the statement, the University has recorded the procedure to be

adopted in the event of change of the Drawing and Disbursement Officer in so far as the treasury department is concerned. As could be seen, when there is a change in the person holding the authority of the Drawing Officer, the incumbent should intimate the treasury department about the change through a communication countersigned by the Controlling Officer.

11. Article 81 of Chapter IV of the Kerala Financial Code also provides for the procedure to be adopted in the event of change in the authorization for drawing and disbursing the salary. Since there is any amount of dispute whether all these procedural steps have been followed by the third respondent College, it is not proper to allow the third respondent college to precipitate the issue further. Therefore, there shall be an interim direction, pending further orders, against the third respondent not to initiate any further action pursuant to Exhibit P16."

2. In course of time, the petitioner filed the above Contempt Case complaining that there is a violation of directions given by this Court in Annexure-1 interim order. The respondent countered the allegations by filing a detailed counter affidavit.

3. Be that as it may, Annexure-3 is the proceedings, through which the petitioner has been placed under

suspension. The learned counsel for the respective parties have not disputed that the suspension effected through Annexure-3 has been interfered with by this Court in some other writ proceedings.

4. On a perusal of Annexure-3, I am of the opinion that despite reference to the events related to Exhibit P16, which was referred to in Annexure-1, the management seems to have placed the petitioner under suspension entirely on different grounds, as have been made out in the memo of charge and also additional memo of charges, both of which, again, are the subject matter of separate writ proceedings.

5. It is axiomatic to observe that contempt jurisdiction being quasi-criminal in nature, mere allegation of contempt is not sufficient; on the contrary, the alleged contempt is proved to be willful and very patent on its face. In the present instance, I am unable to persuade myself to accept the contention of the learned counsel for the petitioner that the respondent has violated Annexure-1 direction of this Court.

In the above facts and circumstances, I do not see any ground to conclude that the respondent is guilty of any disobedience, much less willful disobedience, of Annexure-1 interim direction of this Court. Accordingly, the Contempt Case is closed as having not survived for consideration.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-