

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

Con.Case(C) .No. 326 of 2015 (S) IN WP(C) .20469/2014

AGAINST THE ORDER/JUDGMENT IN WP(C) 20469/2014 of HIGH COURT OF KERALA
DATED 01-09-2014

PETITIONER(S)/PETITIONER:

SANJEEV
S/O.SAHADDEVA KURUP, SREE VIHAR, KULASEKHARAM
KODUNGANUR PO, VATTIYOORKAVU, THIRUVANANTHAPURAM.

BY ADVS.SRI.S.V.PREMAKUMARAN NAIR
SRI.R.T.PRADEEP

RESPONDENT(S)/6TH RESPONDENT.:

BRIGADIER N.SANAL KUMAR
AGE & FATHER'S NAME NOT KNOWN TO THE PETITIONER
DEPUTY DIRECTOR GENERAL, NCC
THIRUVANANTHAPURAM-695 001.

R1 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 09-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

CONT. CASE NO. 326 OF 2015

APPENDIX

PETITIONER'S ANNEXURES :

ANNEXURE I : TRUE COPY OF THE JUDGMENT DATED 01.09.2014 IN
W.P.(C) NO. 20469/2014 BY THE SINGLE JUDGE OF THIS
HON'BLE COURT.

ANNEXURE II : TRUE COPY OF ADVOCATE NOTICE DATED 31.01.2015

ANNEXURE III: TRUE COPY OF THE DECISION DATED 11.02.2015
BY THE ADDITIONAL DIRECTOR.

/TRUE COPY/

P.A. TO JUDGE

P.R. RAMACHANDRA MENON J.

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Cont. Case (C) No. 326 of 2015

against

W.P.(C) No. 20469 of 2014

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Dated, this the 9th day of September, 2015

JUDGMENT

This contempt petition is in respect of the alleged non-compliance of the direction give by this Court as per Annexure A1 judgment.

2. The learned counsel for the petitioner submits that in Annexure A1 judgment, there is specific direction to the 6th respondent to consider Ext. P6 representation and to have the matter finalized in accordance with law, at the earliest within six weeks. Now the matter has been considered and an order has been passed by the Additional Director General, NCC Directorate Kerala & Lakshadweep, which is contrary to the direction given by this Court. Hence the challenge.

3. The learned Asst. Solicitor General submits, with reference to the contents of the statement dated 28.03.2015, that there is no dispute with regard to the direction given by this Court and that

earnest efforts were taken to have complied with the same on time. As a matter of fact, the competent authority to consider the grievance as projected in Ext. P6 was the 6th respondent earlier, but the authority came to be changed from 19.03.2013, by virtue of which, the power and authority came to be vested with the Additional Director General. Since the petitioner had filed Ext. P6 only on 15.05.2015, it could have been easily considered and rejected by the said authority stating that no power was vested with him. But honouring the judgment in the right spirit and perspective, the matter was forwarded to the 'competent authority' to have it considered. It was accordingly, that the matter was considered on merit by the Additional Director General, leading to Annexure III order and as such, there is no default on the part of the respondents, submits the learned Asst. Solicitor General.

4. After hearing both the sides, this Court finds that the idea and understanding of the petitioner as to the course and proceedings to be pursued is thoroughly wrong and misconceived. There is no disobedience on the part of the respondent in complying with the direction given by this Court.

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: 3 :

In the said circumstance, the contempt matter is closed without prejudice to the right of the petitioner to pursue appropriate remedy, if Annexure AIII stands detrimental to the rights and interests of the petitioner.

Sd/-

P. R. RAMACHANDRA MENON,
(JUDGE)

kmd