

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

Con.Case(C).No. 352 of 2015 (S) IN WP(C).29587/2013

**AGAINST THE ORDER IN WP(C) 29587/2013 of HIGH COURT OF KERALA DATED
02-12-2013**

PETITIONER/PETITIONER IN WPC :

**T. PRASANNA AGED 46 YEARS
W/O. C.SASI, AYODHYA, AYICKAD
CHEPPAD, HARIPAD, ALAPPUZHA DISTRICT
ASSISTANT ENGINEER, KERALA WATER AUTHORITY
PROJECT DIVISION, KOLLAM, KOLLAM DISTRICT.**

**BY ADVS.SRI.S.SHANAVAS KHAN
SMT.S.INDU**

RESPONDENT/RESPONDENT NO.2 IN WPC :

**GRACEN J. PANICKER
(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER)
THE DEPUTY CHIEF ENGINEER(GENERAL)
KERALA WATER AUTHORITY, JALA BHAVAN
THIRUVANANTHAPURAM.**

**BY ADV. SRI.MILLU DANDAPANI, SC, KERALA WATER AUTHORITY
BY SRI.GEORGE MATHEW, SC, KERALA WATER AUTHORITY**

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON
25-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S ANNEXURE:

- A : COPY OF ORDER DATED 02.12.2013 IN WPC NO.29587/2013 OF THIS HON'BLE COURT
- B : COPY OF THE ORDER DATED 19.12.2013 IN WPC NO.29587/2013 OF THIS HON'BLE COURT
- C : COPY OF THE ORDER DATED 19.02.2014 IN WPC NO.29587/2013 OF THIS HON'BLE COURT
- D : COPY OF THE ORDER DATED 11.02.2015 TRANSFERRING THE PETITIONER FROM HARIPAD TO KOLLAM
- E : COPY OF THE ERRATUM DATED 16.02.2015 ISSUED BY THE RESPONDENT
- F : COPY OF THE ORDER DATED 21.02.2015 TRANSFERRING THE PETITIONER FROM KOLLAM TO P.H. SECTION, PATHANAPURAM
- G : COPY OF THE ORDER DATED 02.03.2015 INS WPC 6565/2015

RESPONDENT'S ANNEXURE: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

C.T. RAVIKUMAR, J.

Contempt Case (Civil) No.352 of 2015

Dated this the 25th day of March, 2015

JUDGMENT

This captioned contempt petition has been filed alleging willful disobedience with the order dated 02.12.2013 in W.P.(C). No.29587/2013. In that writ petition, initially Annexure-A order was passed directing the respondents to retain the petitioner in PH Section, Haripad itself for a period of three weeks. Subsequently, as per Annexure-D it was extended for a period of two months and as per Annexure-C order, the said interim order was extended until further orders. In the meanwhile, the writ petitioner/petitioner in the Contempt petition requested for a transfer. Later, the respondent transferred her from PH Section, Haripad. True that the said order was effected not to the place of choice of the petitioner. But at the same time, it is evident that the said order of transfer passed subsequent to the request made by the petitioner himself.

2. The learned counsel for the petitioner submitted that the petitioner joined at the transferred place. However, immediately thereafter, the petitioner was transferred out from there as well. Challenging that transfer, W.P.(C). No.6565/2015

has been filed. Annexure-G order of stay was passed in that writ petition.

3. Taking into account the said circumstances and after hearing the rival submissions, I am of the view that it could not be said prima facie that the respondent has committed violation of the order passed by this Court on 02.12.2013 in W.P.(C). No.29587/2013. The petitioner who was fully aware of the fact that as per the said order, a direction was issued to the respondents to retain her at PH Section, Haripad requested for a transfer from that station and the present situation arose subsequent to that request.

4. In the said circumstance, I do not find any material to enter into a finding prima facie that the respondent has willfully violated the orders and thereby committed contempt.

In the result, this contempt petition is dismissed without any prejudice to the right of the petitioner to pursue with the writ petition.

JV

SD/-
C.T. RAVIKUMAR,
JUDGE