

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. 416 of 2015 () IN WP(C).30458/2013

AGAINST THE ORDER/JUDGMENT IN WP(C) 30458/2013 of HIGH COURT OF KERALA
DATED 25-08-2014

PETITIONER(S)/PETITIONER IN THE WP(C):-:

ANI PAUL, AGED 31 YEARS
D/O.PAULOSE A.P., WORKING AS 'U.P.S.A'
ST.JOSEPH'S HIGH SCHOOL, KIZHAKKAMBALAM
RESIDING AT KANAMPURAM HOUSE, VILANGU P.O., KARUKULAM
EDATHALA, ERNAKULAM DISTRICT.

BY ADV. SRI.S.MUHAMMED HANEEFF

RESPONDENT(S)/2ND RESPONDENT IN THE WP(C):-:

KARTHIAYANI,
DISTRICT EDUCATIONAL OFFICER, ALUVA - 683 562.

R BY SENIOR GOVERNMENT PLEADER SRI. R. PADMARAJ

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 (C) NO. 416 OF 2015

APPENDIX

PETITIONER'S EXHIBITS :

ANNEXURE A1 : A TRUE COPY OF THE JUDGMENT DATED 25.08.2014 IN W.P.
© NO 30458 OF 2013 ON THE FILE OF THIS HON'BLE COURT.

ANNEXURE A2 : A TRUE COPY OF THE ORDER IN G.O. (RT) NO. 85/2015
G.O. DATED 08.01.2015 ISSUED BY THE GOVERNMENT.

/TRUE COPY/

P.A. TO JUDGE

P.R. RAMACHANDRA MENON J.

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Cont. Case (C) No. 416 of 2015

against

W.P.(C) No. 30458 of 2013

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Dated, this the 9th day of September, 2015

JUDGMENT

Non-compliance of the direction contained in Annexure A1 judgment in W.P.(C) No. 30458 of 2013 is the subject matter of this contempt matter.

2. The learned counsel for the petitioner points out that, in spite of the direction given by this Court to disburse all eligible benefits flowing from order to be passed by the 5th respondent on Ext. P12 , no such benefits have been given so far, but for passing Annexure A2 order dated 08.01.2015.

3. Heard the learned Government Pleader as well.

4. The direction given by this Court as per Annexure A1 verdict is in the following terms :

"5. After hearing both the sides, this Court finds that, if a final order is passed on Ext.P12, that will serve the situation. In the said circumstance, there will be a direction to the fifth respondent/State to pass final orders on Ext.P12 with

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: 2 :

reference to the specific pleading and the case put up by the petitioner in this writ petition as well, after affording an opportunity of hearing to the petitioner and also to the first respondent/Manager. This shall be done at the earliest, at any rate, within two months from the date of receipt of a copy of the judgment. All eligible benefits, if any, flowing from the order to be passed by the 5th respondent/State shall be disbursed to the petitioner within one month thereafter."

It is not discernible from Annexure A2, as to whether any consequential benefits are there, to be paid to the petitioner based on the said order and how the matter has to be dealt with.

5. The learned Government Pleader points out that, in consequence to Annexure A2 order issued by the Government, the District Educational Officer, Aluva, as per the proceedings bearing No. B3/577/2015/D.Dis. dated 19.05.2015 approved the appointment of the petitioner, making it clear that the same will be subject to the result of W.A. 812 of 2015 pending before this Court. It is stated that the monetary benefit, pursuant to Annexure A2 could not be disbursed to the petitioner only in the said circumstances and that further steps will be pursued accordingly.

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against *W.P.(C) No. 30458 of 2013*

: 3 :

In the said circumstances, without prejudice to the right of the petitioner to pursue other appropriate remedy, the contempt matter stands closed, as there is no wilful disobedience.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd