

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

Con.Case(C) .No. 470 of 2015 (S)

ORDER IN WP(C) 6096/2015 DATED 25-02-2015

PETITIONERS:

1. SHIBUKUMAR S, AGED 37 YEARS
S/O.SASIDHARAN NAIR, PUTTUMPURATH VEEDU, CHATHNPADU
POTHANKODU PO, THIRUVANANTHAPURAM - 695 584.
2. SREEKANTH, S/O.AYYAPPAN NAIR, AGED 37 YEARS
POYYOORKONATH VEEDU AZHAKAM, KANDALA PO
THIRUVANANTHAPURAM - 695 512.

BY ADV.SMT.KEERTHI SOLOMON

RESPONDENTS:

1. ELENKOVAN, AGED ABOUT 52 YEARS,
FATHERS NAME AND RESIDENTIAL ADDRESS ARE NOT KNOWN TO THE
PETITIONER
SECRETARY TO THE GOVERNMENT
HEALTH AND FAMILY WELFARE DEPARTMENT
GOVERNMENT SECRETARIATE
THIRUVANANTHAPURAM - 695001.
2. BIJU PRABHAKARAN, AGED 48 YEARS
FATHER'S NAME AND RESIDENTIAL ADDRESS ARE NOT KNOWN TO THE
PETITIONER,
DISTRICT COLLECTOR AND CHAIRMAN
HOSPITAL DEVELOPMENT SOCIETY THIRUVANANTHAPURAM
MEDICAL COLLEGE, THIRUVANANTHAPURAM- 695001.
3. MOHANDAS
FATHER'S NAME AND RESIDENTIAL ADDRESS ARE NOT KNOWN TO THE
PETITIONER, THE SECRETAY AND CONVENER
HOSPITAL DEVELOPMENT SOCIETY (SUPERINTENDENT) MEDICAL COLLEGE
HOSPITAL, THIRUVANANTHAPURAM-695001.

R2&3 BY ADV. SRI.GOPAKUMAR R.THALIYAL
R2&3 BY ADV. SRI.M.S.VIJAYACHANDRAN BABU
R BY SENIOR GOVERNMENT PLEADER SRI. V. VIJULAL

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 08-04-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

APPENDIX

PETITIONER(S) 'S EXHIBITS:

ANNEXURE A1: TRUE COPY OF THE INTERIM ORDER DATED 25.2.2015 IN WRIT PETITION (CIVIL) NO.6096/2015 PASSED BY THIS HON'BLE COURT.

ANNEXURE A2: TRUE COPY OF THE ORDER OF THIS HONOURABLE COURT DATED 13.3.2015.

RESPONDENT'S EXHIBITS:

ANNEXURE R3(A): TRUE COPY OF THE JUDGMENT PASSED BY THIS HONOURABLE COURT IN WP.(C) NO.21035/2011 DATED 22.11.2011.

ANNEXURE R3(B): TRUE COPY OF LETTER DATED 5.3.2013.

ANNEXURE R3(C): TRUE COPY OF LETTER DATED 21.6.2014.

ANNEXURE R3(D): TRUE COPY OF LETTER DATED 18.2.2015.

ANNEXURE R3(E): TRUE COPY OF LETTER DATED 19.2.2015.

ANNEXURE R3(F): TRUE COPY OF LETTER DATED 25.2.2015.

ANNEXURE R3(G): TRUE COPY OF LETTER DATED 25.2.2015.

ANNEXURE R3(H): TRUE COPY OF THE POSTAL COVER.

ANNEXURE R3(I): TRUE COPY OF THE POSTAL COVER.

TRUE COPY

PA TO JUDGE

Scl.

A.MUHAMED MUSTAQUE, J.

C.C.(C) No.470 of 2015

Dated this the 8th day of April, 2015.

JUDGMENT

This Court passed an order on 25.2.2015 as follows:

“Notice before admission to respondents 2 and 3.
Learned Government Pleader takes notice for 1st
respondent.

If the petitioners have not been relieved from the
present post, there shall be an interim stay against the
operation of Ext.P5, so far it relates to the petitioners for a
period of two weeks.”

2. In this matter, a detailed counter affidavit has been
filed by the respondents. It is stated that the petitioners have been
relieved as per the order dated 19.2.2015 with effect from
20.2.2015. On account of the fact that since the petitioners did not
report the duty thereafter, a letter was sent on 25.2.2015 to each
petitioners with a direction to report for duty within 3 days.
Petitioners' case is that they have put the attendance register on
27.2.2015. Therefore, these documents would evidence that are
created for the purpose of defending the illegal action of the
violation of the interim order passed by this Court. The fact
remains that they have not put any attendance from 20.2.2015 to

25.2.2015 and therefore absence from the duty by the petitioners cannot be taken advantage against the respondents.

This Court already disposed of the writ petition by directing respondents not to take any action against the petitioners for remaining absent based on the interim order of this Court. In that view of the matter, I am of the view that, no contempt is made out against the respondent. Accordingly, it is closed.

**Sd/-
A.MUHAMED MUSTAQUE
JUDGE**