

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

Con.Case(C).No. 496 of 2015 (S)

(AGAINST THE JUDGMENT IN WA.NO. 75/2010 DATED 28-01-2014)

PETITIONER/RESPONDENT IN THE W.A/PETITIONER IN THE WP(C) :

**P.SURENDRAN NAIR, AGED 66 YEARS,
S/O.PARAMESWARAN NAIR,
(FORMERLY ASSISTANT SUB INSPECTOR OF POLICE,
C.BC.I.D, SIG.I, THIRUVANANTHAPURAM)
NOW RESIDING AT HOUSE NO.9/3,
JOTSNA APARTMENT, PADMAVATHY NAGAR,
VELACHERY, CHENNAI -42**

BY ADV. SRI.B.UNNIKRISHNA KAIMAL

RESPONDENT/APPELLANT IN THE W.A/RESPONDENT IN THE WP(C) :

**SMT.NALINI NETTO, I.A.S., AGED 58 YEARS,
W/O.DESMOND NETTO,
ADDITIONAL CHIEF SECRETARY (HOME & VIGILANCE),
SECRETARIAT, THIRUVANANTHAPURAM -695 001,
RESIDING AT TRRA- B/2-A, SASTHAMANGALAM P.O.,
THIRUVANANTHAPURAM -695 010**

BY SPL.GOVERNMENT PLEADER SMT.GIRIJA GOPAL

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD
ON 06-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

COC.NO.496/2015

APPENDIX

PETITIONER'S ANNEXURES:

- ANNEX 1** **COPY OF THE JUDGMENT DATED 6/11/2008 OF THIS HON'BLE COURT IN WP(C).NO.9281/08.**
- ANNEX II** **CERTIFIED COPY OF THE JUDGMENT DATED 28/1/2014 OF THIS HON'BLE COURT IN W.A.NO.75/10**
- ANNEX III** **COPY OF THE LEGAL NOTICE DATED 11/11/2014 ISSUED TO THE RESPONDENT.**

RESPONDENT'S ANNEXURES:

- ANNEX R1(A)** **COPY OF THE G.O(MS)NO.18/15/VIG. DATED 21/05/2015**
- ANNEX R1(B)** **COPY OF THE ORDER NO.A1/2555/CB OCW-1/15 DATED 25/08/2015**

/TRUE COPY/

P.S.TO JUDGE

sts

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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Contempt Case (c) No. 496 of 2015

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Dated this, the 6th day of October, 2015

J U D G M E N T

Ashok Bhushan, C.J.

This contempt case has been filed alleging non compliance of the judgment dated 28th January, 2014 in WA No.75/2010 which was filed against the judgment dated 6/11/2008 in WP(C) No.9281/2008.

2. The Division Bench by judgment dated 28th January 2014 have decided the appeal modifying the judgment to the effect that the Government will be at liberty to take appropriate action in accordance with law in terms of Rules 3 and 59(b) of Part III KSR and the retirement benefits due to the petitioner shall be released on such basis.

3. An affidavit has been filed by the Additional Chief Secretary to Government wherein it has been stated that in compliance of the judgment dated 28th January, 2014, Government has issued order dated 21st May, 2015. It is further

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stated in paragraph 3 that sanction has also been accorded for pension commutation as per proceedings dated 25th August, 2015. Both orders have been brought on record as Annexures R1 (a) and R1(b). The judgment passed by the Division Bench having been complied by the respondent, we see no reason to proceed with this contempt case. In event the applicant has any dispute with the orders of commutation, it shall be open for the applicant to take such steps as permissible under law.

With these observations, the contempt case is closed.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

06/10/2015

//True Copy//

PS to Judge