

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

Con.Case (C) .No. 632 of 2015 (S) IN OP (CAT) .804/2010

AGAINST THE ORDER/JUDGMENT IN OP (CAT) 804/2010 of HIGH COURT OF
KERALA DATED 17-03-2014

PETITIONER(S) :

S.H.MAHABOOB JANI
S/O.ASHAIKE HUSSAN
(RETD. TRAVELLING TICKET INSPECTOR/
SOUTHER RAILWAY/ERNAKULAM JUNCTION)
RESIDING AT D.NO.89, SAVARIMUTHU CHETTIAR LANE
RED FIELD ROAD, COIMBATORE 641 045

BY ADVS.SRI.T.C.GOVINDA SWAMY
SMT.S.SYAMALA DEVI

RESPONDENT(S) :

1. ASHOK K AGARWAL
(AGE NOT KNOWN TO THE PETITIONER) FATHER'S NAME
(NOT KNOWN TO THE PETITIONER)
GENERAL MANAGER, SOUTHERN RAILWAY, HEADQUARTERS OFFICE
PARK TOWN PO, CHENNAI 600003

2. SJHRI V.C.SUDHEESH NAMBIAR
AGE NOT KNOWN TO THE PETITIONER
FATHER'S NAME (NOT KNOWN TO THE PETITIONER)
SR. DIVISIONAL COMMERCIAL MANAGER, SOUTHERN RAILWAY
TRIVANDRUM DIVISION, THIRUVANANTHAPURAM 695014

3. SMT. SARALA BALAGOPAL
AGE NOT KNOWN TO THE PETITIONER
FATHER'S NAME (NOT KNOWN TO THE
PETITIONER) CHIEF COMMERCIAL MANAGER
SOUTHERN RAILWAY, HEAD QUARTERS, PARK TOWN PO
CHENNAI, 600003

R1-R3 BY ADV. SRI.C.S.DIAS,SC, RAILWAYS

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY
HEARD ON 19-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

**ASHOK BHUSHAN, CJ
&
A.M.SHAFFIQUE, J**

Cont.Case.(C).No. 632 of 2015

Dated this the 19th August, 2015

JUDGMENT

Ashok Bhushan, CJ.

This Contempt Case has been filed alleging non compliance of the judgment dated 17.3.2015 in OP(CAT). No.804 of 2010. The Division Bench by the judgment vacated the order of the Tribunal to the extent it sets aside the findings in the enquiry proceedings and the penalty imposed by the disciplinary authority. The applicant has filed this Contempt Case complaining that the judgment of the Division Bench has not been complied with and the amount has not been paid.

2. I.A.No.312 of 2015 has been filed in the Contempt Case by the learned Standing Counsel for Railways bringing on record the copy of letter dated 12.8.2015, which is purported to be issued in compliance of the judgment of the Division Bench in O.P(CAT).No.804 of 2010, which shows that pay and allowances for the period from 14.11.2005 to 31.8.2011 amounting to ₹10,48,388/- in favour of the applicant has been

sent to the Bank. Learned counsel for the respondents submits that in view of the letter complying with the judgment of the Division Bench, the contempt proceedings may not be proceeded with.

3. Learned counsel for the applicant submits that the above letter dated 12.8.2015 is not in full and final satisfaction of the claim of the applicant and he intends to take up the issue with the department.

4. In view of the above facts, we are of the view that there is no willful disobedience of the judgment. Accordingly, the contempt proceedings are dropped. In so far as the claim of the applicant that the amount shown in the letter dated 12.8.2015 is not fully covered, it is open for him to take appropriate steps.

The contempt case is closed.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs20/8/15