

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

Con.Case(C) .No. 762 of 2015 (S) IN WP(C) .14991/2014

AGAINST THE ORDER/JUDGMENT IN WP(C) 14991/2014 of HIGH COURT OF
KERALA

PETITIONER(S) /PETITIONER:

KERALA CYCLE POLO ASSOCIATION
(REGISTRATION NO. 1471/90) REPRESENTED BY
ITS HONORARY SECRETARY
A.M.K.NIZAR, AGED 52, S/O. A.M. KASSIM
T.C.20/1232, KARAMANA.P.O., THIRUVANANTHAPURAM-695002.

BY ADV. SRI.S.M.PREM

RESPONDENT(S)/2ND RESPONDENT AND NOT A PARTY IN WPC:

1. DR. BINU GEORGE VARGHESE, AGED 42 YEARS
S/O. P.V. VARGHESE, SECRETARY
KERALA STATE SPORTS COUNCIL
THIRUVANANTHAPURAM-695001.

2. PADMINI THOMAS,, AGED 53 YEARS
WIFE OF SELVARAJ, PRESIDENT
KERALA STATE SPORTS COUNCIL
THIRUVANANTHAPURAM-695001.

BY ADV. SRI.K.ANAND (SR.)

BY ADV. SMT.LATHA KRISHNAN, SC, KERALA STATE SPORTS COUNCIL

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY
HEARD ON 11-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

A.V. RAMAKRISHNA PILLAI, J.

Cont. Case (C) No. 762 of 2015

Dated this the 11th day of September, 2015

J U D G M E N T

The petitioner is the writ petitioner in WP(C) No.14991/2014, which was filed for a direction to the respondents to nominate an Observer for the conduct of the State Cycle Polo Championships 2014-15 and to disburse the grant for the same as requested in Exts.P12 & P13.

2. The petitioner alleges that this Court, as per orders dated 16.06.2014 and 19.06.2014, directed the Kerala State Sports Council to nominate an Observer for the State Cycle Polo Championship 2014-2015. Accordingly, the State Cycle Polo Championships 2014-2015 was conducted from 21st June to 25th June, 2014 as per schedule at the College Ground, Christ College, Irinjalakuda, in the presence of the Observer, Prof.P.M.Narayanan Namboothiri, nominated by the

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Kerala State Sports Council. It is further alleged that on 30.06.2014, the petitioner submitted the Expenditure Statement on the conduct of the State Cycle Polo Championships 2014-15 to the Kerala State Sports Council for disbursement of grant of ₹1,40,000- with covering letter dated 30.06.2014. According to the petitioner, the eligible grant amount is ₹1,50,000/- as provided under the Grant-in-Aid Regulations, 2013. This Court, taking into account the subsequent developments, as per Annexure 1 judgment dated 27.03.2015, directed the Kerala State Sports Council to disburse to the petitioner association the grant for the conduct of championship, coaching camps and participation of State Teams selected by the petitioner in the National Cycle Polo Championships. The petitioner alleges that it submitted Annexure 2 & 3 letter dated 29.12.2014 to the Secretary, Kerala State Sports Council requesting for grant under the Grant-in Aid Regulations, 2013 for the conduct of championships, coaching camps and

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participation of State Teams selected by the petitioner in the National Cycle Polo Championships. On 10.03.2015, the petitioner submitted Annexure 4 letter to the Secretary, the Kerala Sports Council requesting to make arrangements for the participation of the State Teams in the National Cycle Polo Championships 2014-15 held at Bokaro Steel City (Jharkhand) from 13th to 15th March, 2015. On 18.04.2015, the petitioner submitted Annexures 5 to 9 letters to the Secretary, the Kerala State Sports Council requesting for grant under the Grant-in-Aid Regulations, 2013 for the conduct of championships, coaching camps and participation of State Teams selected by the petitioner in the National Cycle Polo Championships. The petitioner alleges that the respondents declined to disburse the eligible grant to the petitioner claimed in Annexures 5 & 9, however, made part payment of Annexure 8 and full payment of Annexures 6 & 7 as per Annexure 10 proceedings and bill dated 07.05.2015. According to the petitioner, the

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respondents have acted in willful disobedience to the directions in Annexure I judgment of this Court and have committed 'civil contempt' within the definition of Section 2(b) of the Contempt of Courts Act, 1971, thereby substantially interfered with the due course of justice; and therefore, the respondents are liable to be proceeded against under Section 11 of the Contempt of Courts Act, 1971 and the respondents deserve to be punished under Section 12 of the Act. Hence, this contempt case.

3. In the counter affidavit, the respondents contended as follows;

As evidenced from Annexure 10, the grant due to the petitioner for conducting the coaching camp for taking part in the National Championship for 31st Sub-Junior boys, 35th junior boys, 37th senior men as requested by the petitioner in Annexure 6 is disbursed. The grant due to the petitioner for conducting the coaching camp to prepare the Kerala State Team to take

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part in the 12th Sub-Junior Girls, 18th Junior Girls and 16th Senior Women National Championship as requested by the petitioner in Annexure 8 is also disbursed. Further, the grant due for conducting the coaching camp for preparing the Kerala State Team to participate in the 12th Sub Junior Boys and 37th Senior Men National Championship as requested the petitioner in Annexure 7 is also granted; it is contended.

As regards Annexure 4 claim of the petitioner for the grant for taking part in the National Championship for sub junior girls, junior girls and women held between 13th and 15th March, 2015 at Bokaro, Jharkhand, the Kerala State Sports Council had taken the teams for participations in the said National Championships; and all expenses including train tickets, DA to players and officials etc. were met out by the Kerala State Sports Council. Annexure

R1(a) is the copy of the bill dated 23.03.2015. The Kerala State Sports Council had taken the Kerala team for participating in the Sub Junior Boys, Junior Boys and Men, National Cycle Polo Championship 2014-15 held at Bhubaneswar. The entire expenses including train fare, DA, entry and registration fees were met by the Kerala State Sports Council; according to them.

It is brought to the notice of this Court that in Annexure 3, the petitioner claims the grant for conducting the State Championship 2013-2014; and in Annexure 2 & 5, the petitioner claims the grant for conducting the State Championship 2014-15; and in Annexure 9, the petitioner claims the grant for participating in the National Championship 2013-14. According to the respondents, those claims have been disallowed by this Court vide the judgment.

According to them, they have complied with

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all the directions of this Court. The directions of this Court were to disburse to the petitioners, the grant for conducting the coaching camps for preparing the Kerala State Teams for the National Cycle Polo Championship 2014-15, which has not so far been disbursed. The grant entitled to the petitioner for conducting the coaching camp as claimed in Annexures 6, 7 & 8 to prepare the Kerala State Team in the National Championship has been disbursed. Further, the State Teams were taken to participate in the National Championship by the Sports Council on two occasions after meeting all the expenses and allowances. The petitioner has no right to claim the grant regarding the same; according to them. They have taken the stand that the petitioner in a dubious manner in Annexure 8 claimed the participation DA and TA and train fare for the sub-junior girls, junior girls and senior women

national championship held between 13th and 15th March, 2015 at Bokaro, Jharkhand.

4. Arguments have been heard.

5. Admittedly, the writ petition was disposed of directing the respondent Sports Council to disburse the grant for the conduct of the coaching camps, conducted by the petitioner association for the participation of the Kerala State Teams for the National Cycle Polo Championships 2014-15, which has not been disbursed on the date of the judgment. The stand taken by the respondents is that the same has been complied with. From the rival submissions made at the bar, what could be discerned is that the issue has now crystallized into the question of quantum of the amount payable by the respondents to the petitioner, which cannot be agitated in a proceedings like this.

6. As this Court, as per Annexure 1 judgment, has found that the respondents are bound to disburse the grant for the conduct of the coaching camps as above, it

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shall be open to the petitioner to approach a competent civil court to get the amount quantified and released. Though it was pointed out that the jurisdiction of the civil court is barred in such cases, the said bar will not stand in the way of the petitioner as this Court has already declared the petitioner's right to get the said grant released.

As, at present, it is only a money claim, this contempt case is closed permitting the petitioner to approach a competent civil forum to get the amount, if any, quantified and released.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-