

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE**

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

Con.Case(C).No. 818 of 2015 (S)

AGAINST THE JUDGMENT IN WRIT APPEAL NO.973/2014, DATED 07-08-2014

PETITIONER(S)/PETITIONER IN THE W.P.(C) :

**KANNOTH KRISHNAN, AGED 62 YEARS,
S/O.LATE MANNIAN NARAYANAN, PUTHUR, ETTUKUDUKKA P.O.,
KARIVELLUR VIA, KANNUR DISTRICT.**

BY ADV. SRI.T.MADHU

RESPONDENT(S) :

**SHRI.L.C.GOYAL,
(AGE AND FATHER'S NAME NOT KNOWN TO THE RESPONDENT),
SECRETARY TO GOVERNMENT,
MINISTRY OF HOME AFFAIRS FREEDOM FIGHTERS DIVISION,
FIRST FLOOR, LOK NAYAK BHAVAN, KHAN MARKET,
NEW DELHI- 110 001.**

BY ADV. SRI.S.KRISHNAMOORTHY, CGC

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 15-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A1: THE TRUE COPY OF THE JUDGMENT DATED 10.03.2014
IN W.P.(C).NO.7193/2011 ON THE FILES OF THIS HON'BLE
COURT.
- ANNEXURE A2: THE TRUE CERTIFIED COPY OF THE JUDGMENT
DATED 07.08.2014 IN THE WRIT APPEAL NO.973/2014 ON
THE FILES OF THIS HON'BLE COURT.
- ANNEXURE A3: THE TRUE COPY OF THE DEATH CERTIFICATE ISSUED BY
THE REGISTRAR OF BIRTH AND DEATHS, KARIVELLUR-
PERALAM GRAMA PANCHAYATH.

RESPONDENT(S)' ANNEXURES :

- ANNEXURE R1: TRUE COPY OF THE SANCTION ORDER
NO.52/CC/K/21/2011-FF(SZ) DATED 29.05.2015.

//TRUE COPY//

PA.TO JUDGE.

Msd.

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

Cont.Case No.818 of 2015

Dated this the 15th day of July 2015

J U D G M E N T

Shaffique, J

Petitioner has approached this Court alleging violation of the judgment dated 07/08/2014 in W.A.No.973/2014. It is stated that the petitioner's mother was the 1st respondent in the writ appeal. The issue related to freedom fighter's pension claimed by late Sri.Manniyan Narayanan. During the pendency of the lis, Sri.Manniyan Narayanan expired and petitioner's mother Smt.Kannoth Karthiyani claimed the arrears of pension amount payable to late Sri.Manniyan Narayanan and also the widow pension. The matter had attained finality when direction has been issued by this Court to pay the widow pension to Smt.Kannoth Karthiyani. Petitioner is the son of Smt.Kannoth Karthiyani, who alleges that no payment has been paid so far.

2. Counter affidavit has been filed on behalf of the respondent stating that orders had been issued on 29/05/2011 which is produced as Annexure R1, sanctioning the pension of

Smt.Kannoth Karthiyani on certain conditions.

3. It is brought to the notice of this Court that Smt.Kannoth Karthiyani expired on 09/09/2014. In that event, the legal heirs will have to approach the competent authority and seek payment of the amount in their favour as per their eligibility.

4. Since orders had already been passed by the respondent in the matter, we do not think that this contempt case should be kept pending and accordingly this contempt case is dropped reserving the right of the petitioner/legal heirs of Smt.Kannoth Karthiyani to approach the competent authority and seek payment in accordance with law.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

