

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

FRIDAY, THE 6TH DAY OF NOVEMBER 2015/15TH KARTHIKA, 1937

Con.Case(C).No. 7 of 2013 (S) IN WP(C).24284/2009

AGAINST ORDER DATED 7.4.2010 IN I.A.NO.3351/2010

PETITIONER(S)/PETITIONERS 1 AND 2 IN THE WPC:

1.N.SULFIKKAR, AGED 40 YEARS
S/O MOHASIN, ASSISTANT ENGINEER, L.S.G.D. SECTION
KOTTAKKAL, MALAPPURAM DISTRICT

2.P.J. THANKACHAN, AGED 45 YEARS
S/O JOSEPH, ASSISTANT ENGINEER, L.S.G.D. SECTION
VENGOLA, PERUMBAVOOR, ERNAKULAM DISTRICT

BY ADVS.SRI.ELVIN PETER P.J.
SRI.T.G.SUNIL (PRANAVAM)
SRI.K.R.GANESH

RESPONDENT(S)/1ST RESPONDENT IN THE WPC:

SRI.T.J.MATHEW,
SECRETARY TO GOVERNMENT
LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM -695001

BY SPECIAL GOVERNMENT PLEADER SRI.V.MANILAL

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON
06-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE A1:TRUE COPY OF THE ORDER DATED 15.9.03 ISSUED BY THE CHIEF ENGINEER, DEPARTMENT OF IRRIGATION, THIRUVANANTHAPURAM.

ANNEXURE A2:TRUE COPY OF THE ORDER DATED 18.6.2008 ISSUED BY THE CHIEF ENGINEER, LSGD DEPT.

ANNEXURE A3:TRUE COPY OF THE SPECIAL RULES FOR THE KERALA LOCAL SELF GOVERNMENT ENGINEERING SERVICE PUBLISHED IN THE GAZETTE DATED 27.11.2007.

ANNEXURE A4:TRUE COPY OF THE AMENDMENT TO THE RULES ISSUED AS PER G.O.DATED 16.7.2009.

ANNEXURE A5:TRUE COPY OF THE ORDER DATED 29.7.2009 ISSUED BY THE CHIEF ENGINEER, LSGD DEPT.

ANNEXURE A5(A):TRUE COPY OF THE PROVISIONAL SENIORITY LIST OF ASST.ENGINEERS ENTERED IN THE CADRE BY DIRECT RECRUITMENT ISSUED AS PER ANNEXURE A5.

ANNEXURE A5(B):TRUE COPY OF THE PROVISIONAL SENIORITY LIST OF ASST.ENGINEERS ENTERED IN THE CADRE BY DIRECT RECRUITMENT ISSUED AS PER ANNEXURE A5.

ANNEXURE A5(C):TRUE COPY OF THE PROVISIONAL SENIORITY LIST OF ASST. ENGINEERS ENTERED IN THE CADRE UNDER CERTIFICATE QUOTA.

ANNEXURE A6:TRUE COPY OF THE ORDER DATED 25.8.09 IN W.P.(C) NO.24284/09 OF THIS HON'BLE COURT.

ANNEXURE A7:TRUE COPY OF THE ORDER DATED 1.10.09 IN W.P.(C) NO.24284/09 OF THIS HON'BLE COURT.

ANNEXURE A8:TRUE COPY OF THE ORDER DATED 24.2.2010 IN I.A.NO.2276/10 IN W.P.(C)NO.24284/09 OF THIS HON'BLE COURT.

ANNEXURE A9:CERTIFIED COPY OF THE ORDER DATED 7.4.2010 IN I.A.NO.3351/10 IN W.P.(C)NO.24284/09 OF THIS HON'BLE COURT.

ANNEXURE A10:TRUE COPY OF THE ORDER DATED 22.10.2009 ALONG WITH SENIORITY LIST ISSUED BY THE CHIEF ENGINEER, LSGD DEPT.

ANNEXURE A11:TRUE COPY OF THE OBJECTION FILED BY THE 2ND PETITIONER ON 4.11.08 BEFORE THE CHIEF ENGINEER, LSGD DEPARTMENT.

ANNEXURE A12:TRUE COPY OF THE REPRESENTATION SUBMITTED BY 2ND PETITIONER DATED 11.6.09 BEFORE THE CHIEF ENGINEER, LSGD DEPARTMENT.

ANNEXURE A12(A):TRUE COPY OF THE REPRESENTATION SUBMITTED BY 2ND PETITIONER DATED 10.7.09 BEFORE THE CHIEF ENGINEER, LSGD DEPARTMENT.

ANNEXURE A12(B):TRUE COPY OF THE REPRESENTATION SUBMITTED BY 2ND PETITIONER DATED 7.7.2010 BEFORE THE CHIEF ENGINEER, LSGD DEPARTMENT.

ANNEXURE A12(C):TRUE COPY OF THE REPRESENTATION SUBMITTED BY 2ND PETITIONER DATED 2.5.12 BEFORE THE CHIEF ENGINEER, LSGD DEPARTMENT.

ANNEXURE A12(D):TRUE COPY OF THE REPRESENTATION SUBMITTED BY 2ND PETITIONER DATED 17.10.12 BEFORE THE CHIEF ENGINEER, LSGD DEPARTMENT.

ANNEXURE A13:TRUE COPY OF G.O.(RT)NO.2628/10/LSGD DATED 7.8.2010 ISSUED BY THE GOVERNMENT.

ANNEXURE A14:TRUE COPY OF G.O.(RT)NO.358/12/LSGD DATED 4.2.12 ISSUED BY THE GOVERNMENT.

ANNEXURE A15:TRUE COPY OF THE COMMUNICATION DATED 5.7.12 ALONG WITH SENIORITY LIST OF ASSISTANT ENGINEERS ISSUED BY THE CHIEF ENGINEER, LSGD DEPARTMENT.

ANNEXURE A16:TRUE COPY OF G.O.(RT)NO.2989/12/LSGD DATED 31.10.12 ISSUED BY THE GOVERNMENT.

ANNEXURE A17:TRUE COPY OF ADDL.AFFIDAVIT FILED BY THE RESPONDENT DATED 29.11.12 IN CONT.CASE (C)NO.1707/12 BEFORE THIS HONOURABLE COURT.

ANNEXURE A18:TRUE COPY OF JUDGMENT DATED 5.12.12 IN CONT.CASE NO.1707/12 OF THIS HON'BLE COURT.

RESPONDENTS EXHIBITS:

ANNEXURE R1(A):A TRUE COPY OF THE REPRESENTATION SUBMITTED BY SMT.SARASAMMA.B DATED 7.5.2012.

ANNEXURE R1(B): TRUE COPY OF THE REPRESENTATION SUBMITTED BY SRI.K.M.KUNJUMON DATED 11.11.2008.

ANNEXURE R1(C): TRUE COPY OF THE REPRESENTATION SUBMITTED BY SRI.S.B SAJEEV DATED 31.10.2008.

ANNEXURE R1(D): TRUE COPY OF THE REPRESENTATION SUBMITTED BY SRI.P.X.FRANCIS SEBASTIAN DATED 24.10.2008.

ANNEXURE R1(E): TRUE COPY OF THE REPRESENTATION SUBMITTED BY SRI.JOJO MATHEW DATED 7.11.2008.

ANNEXURE R2(1):TRUE COPY OF THE INTERIM ORDER DATED 25.8.2009 IN W.P. (C)No.24284/2009 OF THIS HON'BLE COURT.

ANNEXURE R2(2):TRUE COPY OF THE INTERIM ORDER DATED 1.10.2009 IN W.P. (C)No.24284/2009 OF THIS HON'BLE COURT.

ANNEXURE R2(3):TRUE COPY OF THE INTERIM ORDER IN I.A.NO.2276/2010 IN W.P.(C)No.24284/2009 OF THIS HON'BLE COURT.

ANNEXURE R2(4):TRUE COPY OF THE INTERIM ORDER IN I.A.NO.3351/2010 IN W.P.(C)No.24284/2009 OF THIS HON'BLE COURT.

ANNEXURE R2(5):TRUE COPY OF COMMUNICATION NO.50155/EW3/13/LSGD DATED 11.10.2013 ISSUED BY THE LOCAL SELF GOVERNMENT (EW) DEPARTMENT.

//TRUE COPY//

P.A.TO JUDGE

C.T. RAVIKUMAR, J.

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C.O.(C) No.7 OF 2013

in

W.P.(C).No.24284 OF 2009

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Dated this the 6th day of November, 2015

JUDGMENT

When this matter is taken up for consideration, the learned counsel for the petitioners as also the learned Government Pleader submitted that W.P.(C)No.24284 of 2009 has already been disposed of and in such circumstances, nothing survives for consideration in this proceedings. Recording the said submission, this contempt case is closed.

Sd/-
C.T. RAVIKUMAR
(JUDGE)

spc/

C.O.(C).

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C.T. RAVIKUMAR, J.

C.O.(C).

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JUDGMENT

September, 2010