

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

Con.Case(C).No. 962 of 2015 (S)

(AGAINST THE JUDGMENT IN WP(C).NO. 6910/2015 DATED 09/04/2015)

PETITIONER :

**P.G.SUJATHA,
1ST GRADE DRAUGHTSMAN,
OFFICE OF THE ASSISTANT ENGINEER,
KERALA WATER AUTHORITY, WATER SUPPLY SECTION PTP,
THIRUVANANTHAPURAM-695 038.
AGED 49 YEARS, D/O.LATE SRI.C.P.GOPINATHAN PILLAI.**

BY SMT. P.G.SUJATHA (PARTY IN PERSON)

RESPONDENT :

**SRI.PATIL AJITH BHAGWATRAO IAS,
MANAGING DIRECTOR, KERALA WATER AUTHORITY, JALA BHAVAN,
VELLAYAMBALAM, THIRUVANANTHAPURAM-695 033,
AGED 41 YEARS, S/O. BHAGWATRAO PATIL.**

BY ADV. SRI.JOSEPH JOHN, SC, KERALA WATER AUTHORITY

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 04-08-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER'S ANNEXURES:

- ANNEX P1** COPY OF THE ORDER NO.G.O. MS NO.47/93/LAD DATED 05/03/1993 OF THE SECRETARY TO GOVERNMENT, LOCAL ADMINISTRATION (F) DEPARTMENT.
- ANNEX P2** COPY OF THE RESOLUTION NO.3307 HELD ON 28/02/1995 OF THE KWA BOARD
- ANNEX P3** COPY OF THE ORDER NO.KWA/JB/TRG-1/514, 96 DATED 29/10/1997 OF THE MANAGING DIRECTOR, KWA
- ANNEX P4** COPY OF THE TEACHING EXPERIENCE CERTIFICATE OF MCA FROM IGNOU DATED 14/02/2014
- ANNEX P5** COPY OF THE APPLICATION OF PETITIONER DATED 23/09/2006 TO THE MANAGING DIRECTOR, KERALA WATER AUTHORITY
- ANNEX P6(I)** COPY OF THE LETTER NO.21317/B3/2011/WRD DATED 10/02/2012 PRINCIPAL SECRETARY TO GOVERNMENT OF WATER RESOURCES (WS.B) DEPARTMENT TO THE MANAGING DIRECTOR, KWA
- ANNEX P6(II)** COPY OF THE LETTER NO.5582/B3/12/WRD DATED 21/03/2012 PRINCIPAL SECRETARY TO GOVERNMENT OF WATER RESOURCES (WS.B) DEPARTMENT TO THE MANAGING DIRECTOR.
- ANNEX P7** COPY OF THE ORDER NO.KWA/HO/E8/2598/2001 DATED 28/02/2013 OF MD, KWA
- ANNEX P8** THE HONOURABLE HIGH COURT ORDER NO.WP(C).NO.6910/2015
- ANNEX P9** COPY OF THE ORDER NO.KWA/JB/E4 (B)/5224/2015 DATED 12/06/2015 OF THE RESPONDENT

RESPONDENT'S ANNEXURES: NIL

/TRUE COPY/

P.A.TO JUDGE

A.MUHAMED MUSTAQUE, J.

Contempt Court Case (C) No.962 of 2015

Dated this the 4th day of August, 2015

JUDGMENT

The petitioner, aggrieved by non-compliance of the directions in the judgment of this Court, has approached this Court. By judgment dated 9.4.2015, this Court ordered that if the petitioner is otherwise found eligible, she shall be appointed as Data Base Administrator. The case of the respondent is that the petitioner does not have sufficient experience as stipulated in the draft rule. It is to be noted that the post is now held by a contract employee and not by in-service candidates. The question is whether in the absence of any experienced person with qualification whether the person having qualification shall be promoted or not, cannot be decided in the Contempt proceedings. Therefore, the petitioner is at liberty to challenge the decision in appropriate manner. The petitioner also filed I.A.No.277/2015 restraining appointment of any other person as Data Base Administrator.

Considering the alternative remedy available to the petitioner, the petitioner is free to seek any such relief before this Court by filing fresh writ petition. However, no regular appointment shall be made in the post of Data Base Administrator for a period of three weeks or till the writ petition is filed whichever is earlier.

This Contempt Case is closed.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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/True copy/

P.A. to Judge