

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

Con.Case(C).No. 260 of 2013 (S) IN WP(C).34444/2010

**-----
AGAINST THE ORDER/JUDGMENT IN WP(C) 34444/2010 of HIGH COURT OF KERALA
DATED 05-06-2012**

PETITIONER/PETITIONER:

**-----
VISHNU.V, AGED 27 YEARS,
S/O.P.M.VIJAYAPPAN, VISHNUPADAM, KOLATHARA P.O.
KOZHIKODE.**

**BY ADVS. JOY THATTIL ITTOOP
A.G.ADITYA SHENOY**

RESPONDENTS/RESPONDENTS/ADDITIONAL RESPONDENTS:

-
- 1. MISS.MAMATA KANDWAL,
(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER)
DEPUTY DIRECTOR, ESTT. (GR)
RAILWAY BOARD, RAIL BHAVAN, MINISTRY OF RAILWAYS,
NEW DELHI-110 001.**
 - 2. MR.R.C.JAT, (AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER)
SECRETARY TO THE GOVT.OF INDIA, MINISTRY OF RAILWAYS
RAIL BHAVAN, NEW DELHI-110 001.**
 - 3. DR.BRAHM PRAKASH, (AGE AND FATHER'S NAME NOT KNOWN TO THE
PETITIONER)
MEDICAL DIRECTOR, NORTHERN RAILWAY CENTRAL HOSPITAL
BASANT LANE, NEW DELHI-110 055.**

**R1 TO 3 BY ADV. SRI.C.S.DIAS,SC, RAILWAYS
R1 TO 3 BY ADV. SMT.SUMATHY DANDAPANI (SR.)
R BY SRI.VARGHESE P.THOMAS**

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON
07-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

COC NO.260/2013

APPENDIX

PETITIONER'S ANNEXURES:

- ANNEXURE-A: COPY OF THE ORDER DTD. 5.6.2012.**
- ANNEXURE-B: COPY OF THE E-MAIL DATED 16.7.2012 ISSUED BY THE PETITIONER TO THE 1ST RESPONDENT.**
- ANNEXURE-C: COPY OF THE MEDICAL REPORT DTD. 16.7.12 ALONG WITH THE REMARKS.**
- ANNEXURE-D: COPY OF THE LEGAL NOTICE ISSUED BY THE COUNSEL FOR THE PETITIONER DTD.13.12.2012.**

RESPONDENTS' ANNEXURES: NIL

VPV

P.N.RAVINDRAN, J.
=====

Contempt Case No.260 of 2013
=====

Dated this the 7th day of August, 2015

JUDGMENT

This Contempt Case is filed alleging that the respondents herein have willfully disobeyed Annexure-A interim order passed by this court on 5.6.2012 in W.P.(C)No.34444 of 2010. It is alleged that the medical examination conducted pursuant to Annexure-A interim order was an eyewash.

The first respondent has sworn to a counter affidavit on her own behalf and on behalf of the other respondents. The said affidavit discloses that after medical examination, the petitioner was found medically unfit on account of defective colour perception. The petitioner has not filed a reply affidavit denying and disputing the aforesaid averments. In such circumstances, I am not persuaded to hold that the petitioner has made out a prima facie case warranting initiation of action against the respondents under the Contempt of Courts Act, 1971. The Contempt Case fails and is accordingly dismissed.

Sd/-
P.N.RAVINDRAN
JUDGE
/true copy/

P.A. To Judge