

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

Con.Case(C).No. 181 of 2012 (S) IN WP(C).6226/2011

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IN WP(C) 6226/2011 of HIGH COURT OF KERALA
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PETITIONER(S)/PETITIONER IN THE W.P.(C):

**DR.M.T.MURALEEDHARAN, AGED 55 YEARS
S/O.S.P.PARAMESWARAN NAIR
RETIRED ASSOCIATE PROFESSOR IN SANSKRIT SAHITYA
RESIDING AT 'SREEPADAM', PERINGANNUR P.O.
PALAKKAD DISTRICT, PIN-679535.**

**BY ADVS.SRI.P.T.DINESH
SRI.C.N.SAMEER**

RESPONDENT(S):

- 1. V.S.USHA KUMARI
AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER
UNDER SECRETARY (AS ON 30.6.2011)
HIGHER EDUCATION (F) DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.**
- 2. TOM JOSE,
AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER
PRINCIPAL SECRETARY TO GOVERNMENT (AS ON 30.6.2011)
DEPARTMENT OF HIGHER EDUCATION
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.**

BY ADV. GOVERNMENT PLEADER SRI.RAMPRASAD UNNI.T

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD
ON 11-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' ANNEXURE :

- ANNEXURE A1 : TRUE COPY OF THE JUDGMENT DATED 17.3.2011 IN WPC.NO.6226/2011**
- ANNEXURE A2 : TRUE COPY OF THE COVERING LETTER DATED 15.6.2011 SUBMITTED BY THE PETITIONER TO THE PRINCIPAL SECRETARY TO GOVERNMENT, HIGHER EDUCATION DEPARTMENT.**
- ANNEXURE A3 : TRUE COPY OF THE GO.(Rt).NO.951/11/H.EDN. DATED 30.6.2011**
- ANNEXURE A4 : TRUE COPY OF THE GO.(Ms).NO.4/2011H.EDN. DATED 24.1.2011**
- ANNEUXRE A5 : TRUE COPY OF THE G.O.(P).nO.171/00/H/EdN. DATED 21.12.1999 BY THE PRINCIPAL SECRETARY TO GOVERNMENT HIGHER EDUCATION © DEPARTMENT**
- ANNEXURE A6 : TRUE COPY OF THE G.O.(P).NO.58/2010/H.Edn. DATED 27.3.2010 BY THE PRINCIPAL SECRETARY TO GOVERNMENT HIGHER EDUCATION © DEPARTMENT.**

RESPONDENT(S)' ANNEXURE :

NIL

/TRUE COPY/

PA TO JUDGE

VS

T.R.RAMACHANDRAN NAIR, J.

Con.Case.No.181 of 2012

Dated this the 11th day of August, 2015

JUDGMENT

The writ petitioner had approached this Court by filing W.P.(C).No.6226/2011 which was disposed of by Annexure A1 judgment. There was a direction to the Government to pass appropriate orders with regard to the sanction of advance increments to the petitioner in the light of the Government Order dated 24.01.2011, expeditiously, at any rate, within a period of two months from the date of receipt of a copy of the judgment and the monetary benefits will also be disbursed to the petitioner accordingly.

2. Thereafter, Annexure A3 order has been passed by the competent authority namely by the Government. It is stated in paragraph 2 of the order that he is eligible only for one advance increment for having M.Phil Degree on appointment. Going by paragraph 4 of the order, the request for sanctioning two advance

increment, as provided in the GO(MS)/4/2011/HEdn dated 24.01.2011 is rejected forthwith.

3. Heard both sides.

4. The learned counsel for the petitioner submitted that as of now, the petitioner may be permitted to avail the benefit of one increment sanctioned by filing appropriate applications along with certificates. It is submitted that he could not avail of the benefits during the pendency of the contempt case.

5. The second respondent has filed an affidavit explaining the stand in the matter. In the light of the fact that Ext.A3 order has been passed by the respondents, the petitioner will have to work out his remedies as available under law, as regards the portion of the order to which he is aggrieved. Of course, the complaint herein that there is wilful violation of the directions also cannot be sustained. Therefore, no further action is required under the Contempt of Court Act. The learned counsel for the petitioner submitted that in view of the pendency of the contempt case, he has not so far challenged Annexure

A3 order. He is granted three months time to challenge the order. The delay if any, in the matter has occurred because of the pendency of the contempt case, which will be excluded as prayed for by the learned counsel. In the meanwhile, he will approach the Director of Collegiate Education for getting the benefit of the order namely for one increment sanctioned.

The contempt case is accordingly disposed of.

Sd/-
T.R.RAMACHANDRAN NAIR,
JUDGE

VS