

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

Con.Case(C).No. 1768 of 2015 (S) IN WP(C).29083/2015

AGAINST THE JUDGMENT IN WP(C) 29083/2015 of HIGH COURT OF KERALA
DATED 21-10-2015

PETITIONER / PETITIONER : -

R.JAYAKUMAR, AGED 41 YEARS,
SON OF K. RAJAN PILLAI,
SALES ASSISTANT IN CHARGE OF REGIONAL MANAGER
(UNDER SUSPENSION), CONSUMERFED,
REGIONAL OFFICE, PUNNAPRA NORTH,
ALAPPUZHA - 688 014 (RESIDING AT KANNIMAL PUTHENVEEDU,
CHATHIYARA, P.O THAMARAKULAM, ALAPPUZHA 690 530)

BY ADVS.SRI.V.A.MUHAMMED
SRI.V.RAJASEKHARAN NAIR

RESPONDENT / 4th RESPONDENT : -

DR.S.RATNAKUMARAN,
FATHER'S NAME AND AGE NOT KNOWN TO THE PETITIONER,
MANAGING DIRECTOR,
KERALA STATE CO-OPERATIVE CONSUMER FEDERATION LTD.,
(CONSUMERFED), GANDHI NAGAR, COCHIN 682 020.

R1 BY ADV.SRI.RAJU JOSEPH (SR.)
R1 BY ADV.SRI.K.T.PAULOSE, SC, CONSUMERFED

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 01-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

APPENDIX

PETITIONER'S ANNEXURES :

ANNEXURE I : CERTIFIED COPY OF THE JUDGMENT IN W.P.(C) No.29083/15
DATED 21.10.2015.

ANNEXURE II : CERTIFIED COPY OF THE JUDGMENT IN W.P.(C) No.26556/15
DATED 16.10.2015.

RESPONDENT'S ANNEXURE : NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

Cont. Case (c) No. 1768 of 2015

Dated this the 01st day of December, 2015

JUDGMENT

The petitioner filed W.P. (C) No. 29083/2015 questioning the order of suspension dated 18.06.2015 passed by the Managing Director as being *ultra vires*. This Court, in tune with earlier judgment dated 16.10.2015 allowed the writ petition holding that the suspension was illegal. At any rate, this Court has further held that it is entirely open for the competent authority to take necessary disciplinary measures, including that of suspension, *vis-a-vis* the petitioner.

2. The petitioner complaining that the judgment dated 16.10.2015 has not been complied with in the present contempt case.

3. The learned counsel for the petitioner has submitted that the Administrator who is at the helm of the affairs of the respondent federation in the place of the managing committee passed an order of suspension dated 30.11.2015. He has further contended that the order, in fact, validates the earlier order passed by the Managing Director though it was declared to be *ultra vires*. According to him, an order which is honest

cannot be regularized.

4. The learned Senior Counsel appearing for the respondent, to his credit, has submitted that there is an inadvertent error in the order dated 30.11.2015 which he has already asked the authorities to rectify. According to him, the Corporation is willing to treat the order of suspension prospective from the date it was issued, i.e. 30.11.2015.

In the facts and circumstances, given the clarification provided by the learned Senior Counsel for the respondent, this Court is of the opinion that nothing survives in the contempt case and accordingly closes it. Needless to observe that until the date the petitioner was suspended by the competent authority, i.e. 30.11.2015, the petitioner has deemed to have been in service.

DAMA SESHADRI NAIDU
JUDGE

DMR/-