

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

MONDAY, THE 9TH DAY OF NOVEMBER 2015/18TH KARTHIKA, 1937

Con.Case(C).No. 898 of 2013 (S) IN WP(C).5130/2008

AGAINST THE JUDGMENT IN WP(C) 5130/2008 DATED 13.6.2011

PETITIONER(S)/PETITIONERS 1,2 & 4 IN WPC:

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1. V. DIVAKARAN, AGED 60 YEARS
S/O. VASUDEVAN, RESIDING AT KALLOORATHU, MARU-SOUTH
ALUMKADAVU.P.O., KARUNAGAPPALLY, KOLLAM DISTRICT.
 2. SADANANDAN.P.P., AGED 60 YEARS
S/O. LATE PADMANABHAN, RESIDING AT PUTHIYEDAN HOUSE
KUTTIKKADU.P.O., CHALAKKUDY, PIN-680724.
 3. D.N. VENUGOPAL, AGED 55 YEARS
S/O. LATE NARAYANAN, RESIDING AT NANDANAM, VALAVANAD
POLLATHAI.P.O., ALAPPUZHA.

BY ADV. SMT.I.SHEELA DEVI

RESPONDENT(S)/RESPONDENT IN WPC:

K.G. MOHANLAL, FATHER'S NAME AND AGE NOT KNOWN TO THE
PETITIONER, CHAIRMAN AND MANAGING DRECTOR,
TRANSPORT BHAVAN
KERALA STATE ROAD TRANSPORT CORPORATION, FORT.P.O.
THIRUVANANTHAPURAM-695001

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA,SC,KSRTC
BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.O.(C).NO.898/2013

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE A1: CERTIFIED COPY OF THE JUDGMENT IN W.P.(C).NO.5130 OF 2008
DATED 13.6.2011.

RESPONDENT'S EXHIBITS:

ANNEXURE R1(B): TRUE COPY OF THE PROCEEDING NO.PL-2/28082/07 DATED
11.10.2013 ISSUED BY THE KERALA STATE ROAD TRANSPORT
CORPORATION.

//TRUE COPY//

P.A.TO JUDGE

C.T. RAVIKUMAR, J.

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C.O.(C) No.898 OF 2013

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Dated this the 9th day of November, 2015

JUDGMENT

It is alleging wilful disobedience with the directions of this Court in judgment dated 13.6.2011 in W.P.(C).No.5130 of 2008 that this contempt case has been filed. The petitioners were Assistant Store Keepers under the Kerala State Road Transport Corporation (for short the 'Corporation'). As per judgment dated 13.6.2011, this Court disposed of the said writ petition taking note of the fact that for granting further benefits which were not actually granted under the judgment, a decision from the Kerala Public Service Commission is required. It was also taken note of the fact that a proposal was, in fact, forwarded to the KPSC by the Corporation. When this matter is taken up for consideration, the learned standing counsel appearing for the Corporation made available a copy of proceedings bearing No.PL-2/28082/07 dated 11.10.2013. A bare perusal of the same would

reveal the steps taken by the Corporation for implementing the directions in the aforesaid judgment. It is discernible from the said proceedings that the proposal of the Corporation was not actually accepted by the KPSC. It would also reveal that taking into account the decision of the KPSC, the Corporation referred the matter to the Government for appropriate decision. Obviously, the Corporation could not bypass the decision taken by the KPSC and in fact, it is in the said circumstances that such a course was resorted to by the Corporation. In such circumstances, it cannot be said that the Corporation has wilfully violated the directions in judgment dated 13.6.2011. Recording those aspects, this contempt case is closed. However, it is made clear that it will be open to the petitioners to resort to appropriate remedy to redress their grievances, if any, in the matter.

Sd/-
C.T. RAVIKUMAR
(JUDGE)

spc/

C.T. RAVIKUMAR, J.

JUDGMENT

September, 2010