

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

Con.Case(C).No. 570 of 2014 (S)

AGAINST THE ORDER DATED 31-05-2014 IN WP(C) 13719/2014

PETITIONER(S)/PETITIONERS:

1. VIJI K.V.,
KULAMBIL HOUSE, P.O, ANCHERI,
ANCHARIKKAVU ROAD, THRISSUR
2. SANTHOSH N.G.,
NEDIYAMBATH HOUSE, MAVELI NAGAR,
KURIACHIRA P.O.,THRISSUR.

BY ADV. SRI.P.N.MOHANAN

RESPONDENT(S)/RESPONDENTS 1 & 2:

1. CHARLY PANDHALOOKARAN,
AGED NOT KNOWN TO THE PETITIONER,
S/O KUNJUVAREED, RESIDING AT PANDHALOOKARAN HOUSE,
ST. THOMAS ROAD, KURIACHIRA P.O., PRESIDENT,
KURIACHIRA SERVICE CO-OPERATIVE BANK LTD. 637,
KURIAHCIRA P.O. - 680 006, THRISSUR 6
2. RAPHI P.D., AGED NOT KNOWN TO THE PETITIONER,
D/O. DEVASSY, RESIDING AT PULIKOTTIL HOUSE,
SUBHASH NAGAR, IST LANE,
P.O. KURIACHIRA, THRISSUR, SECRETARY,
KURIACHIRA SERVICE CO-OPERATIVE BANK,
KURIACHIRA P.O,THRISSUR - 680 006.

BY ADV. SRI.RANJITH XAVIER

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN
FINALLY HEARD ON 13-01-2015, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1: A TRUE COPY OF THE INTERIM ORDER DTD.31.5.2014 IN
WP(C) 13719/2014.**

**ANNEXURE A2: A TRUE COPY OF THE PHOTOGRAPH SHOWING THE INTERIM ORDER
AFFIXED IN FRONT OF THE BANK.**

**ANNEXURE A3: A TRUE COPY OF THE PAPER REPORT DATED 4.6.2014 PUBLISHING
IN DESABHIMANI DAILY.**

RESPONDENT(S)' ANNEXURES:

**ANNEXURE R2(a): THE TRUE COPY OF THE NOTICE DTD.3.6.2014 ISSUED BY
2ND RESPONDENT TO MR.SALVAY THIMOTHY.**

**ANNEXURE R2(b): THE TRUE COPY OF THE NOTICE DTD.3.6.2014 ISSUED BY
2ND RESPONDENT TO MR.JETTO J.PALLAN.**

**ANNEXURE R2(c): THE TRUE COPY OF THE NOTICE DTD.3.6.2014 ISSUED BY
2ND RESPONDENT TO MR.HEMIN BABU.**

**ANNEXURE R2(d): THE TRUE COPY OF THE RESIGNATION LETTER DTD.29.5.2014
SUBMITTED BY THE VICE PRESIDENT.**

//TRUE COPY//

P.S.TO JUDGE

Msv/

K.SURENDRA MOHAN, J.

Cont. Case (C) No.570 of 2014

Dated this the 13th day of January, 2015

JUDGMENT

The petitioners, complaining violation of the interim order dated 31.05.2014 passed by this Court in W.P.(C) No.13719/2014, have filed this Contempt of Court Case. As per Annexure-A1 interim order, an interim stay of appointments pursuant to Ext.P1 was granted for a period of one month. According to the petitioners, the interview had been conducted on the very same day in which the petitioners also participated.

2. Thereafter, three persons were appointed to the notified posts in violation of the interim order passed by this Court on the same day. They joined duty on 02.06.2014.

3. According to the learned counsel for the Respondents, they were not aware of the interim order passed by this Court. Though the petitioners had filed the writ petition before this Court, they had also attended the interview without even disclosing that the writ

petition was pending. Therefore, the Respondents had completed the interview without having any knowledge of the interim order passed and had made the appointments on 02.06.2014. It was only on 03.06.2014 that they came to know of the interim order. Immediately, they have issued Annexures R2(a) to R2(c) communications to the appointees, informing them that their appointments would be subject to the result of the writ petition. They have acknowledged receipt thereof, agreeing to abide by the said condition. In view of the above, it is contended that there has been no wilful disobedience to the direction of this Court.

4. Heard.

5. It is contended that the Respondents have not made appointments in violation of the interim order. According to them, the appointments were made before they had knowledge of the interim order and immediately on coming to notice of the interim order, they have informed the candidates that their appointments would be subject to the result of the writ petition. Though the

explanation is opposed by the learned counsel for the petitioners, I accept the same. In view of the appointments made, oblivious of the interim order passed by this Court, it is for the petitioners to obtain such further orders as are necessary in the writ petition to safeguard their interests. In view of the above, I find it unnecessary to pursue this Contempt Court Case any further.

The Contempt Court Case is therefore closed.

Post the writ petition before the appropriate Court.

Sd/-
K.SURENDRA MOHAN,
JUDGE

//true copy//

P.S. To Judge

St/-