

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE**

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

Con.Case(C).No.997 of 2014 (S)

(AGAINST THE JUDGMENT DATED 13-06-2014 IN WA 796/2011).

PETITIONER/RESPONDENT:

**M.C.JACOB,AGED 56 YEARS,
S/O.CHACKO IDICULA,
ASSISTANT EXECUTIVE ENGINEER (CIVIL),
KERALA STATE ELECTRICITY BOARD,
OFFICE OF THE CHIEF ENGINEER (CIVIL STATION) SOUTH,
VYDYUTHI BHAVAN,PATTOM,THIRUVANANTHAPURAM.**

**BY DR.K.P.SATHEESAN (SENIOR ADVOCATE.)
ADVS.SRI.M.R.JAYAPRASAD
SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.VNAIR
SRI.S.VIBHEESHANAN
SRI.SIDDHARTH KRISHNAN**

RESPONDENTS/APPELLANTS:

- 1. MR.SHAHUL HAMEED.M,AGED 56 YEARS,
(FATHER'S NAME NOT KNOWN TO THE PETITIONER),
SECRETARY,KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVAN,PATTOM,THIRUVANANTHAPURAM-695 004.**
- 2. MR.C.V.NANDAN,AGED 54 YEARS,
(FATHER'S NAME NOT KNOWN TO THE PETITIONER),
CHIEF ENGINEER (H.R.M.),KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVAN,PATTOM,THIRUVANANTHAPURAM-695 004.**

R1 & R2 BY SRI.K.S.ANIL,SC,KSEB

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD
ON 11-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Con.Case(C).No.997 of 2014 (S)

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE-I:TRUE COPY OF THE JUDGMENT DATED 30.11.2010 IN W.P(C)
NO.4873/2010.**

**ANNEXURE-II:CERTIFIED COPY OF THE JUDGMENT DATED 13.6.2014 IN W.A
NO.796/2011.**

**ANNEXURE-III:TRUE COPY OF THE REPRESENTATION FILED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT DATED 8.7.2014.**

**ANNEXURE-IV:TRUE COPY OF THE REPRESENTATION FILED BY THE
PETITIONER BEFORE THE FIRST RESPONDENT DATED 7.8.2014.**

**ANNEXURE-V:TRUE COPY OF THE ORDER B.O.(CMD)NO.2623/2014 (LAS1/2010)
DATED 13.10.2014 ISSUED BY THE FIRST RESPONDENT.**

**ANNEXURE-VI:TRUE COPY OF THE REPRESENTATION FILED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT DATED 16.10.2014.**

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

ASHOK BHUSHAN, Ag.C.J.

&

A.M. SHAFFIQUE, J.

**=====
Cont. Case (C). No. 997 of 2014
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Dated this the 11th day of February, 2015

JUDGMENT

A.M.Shaffique, J.

This contempt case has been filed alleging non compliance of direction issued by this Court in the judgment dated 13.06.2014 in Writ Appeal No.796 of 2011. Writ appeal was filed by the Kerala State Electricity Board against the judgment in WP(C) No.4873 of 2010 wherein this Court after considering the claim of the petitioner, quashed Ext.P7 and directed the authority to pass fresh orders within a specified time. While disposing of the appeal, this Court observed that in so far as the appellant (KSEB) accepted that the promotion was to be effected in 3:1 ratio between Degree and Diploma holders to the post of Assistant Executive Engineer, the appellants are duty bound to do so as provided in the

Rules. It is clarified that if the respondent (petitioner herein) was entitled to any earlier promotion on the proper implementation of the ratio, that will be considered by the appellants. The judgment was set aside.

2. Pursuant to the directions issued, the Board has issued an order dated 13.11.2014, and they have also filed an affidavit stating that the petitioner was reassigned the seniority with effect from 08.03.2001 from 27.06.2007 in the cadre of Assistant Executive Engineer (Civil). Further they have stated that in order to consider the prayer of the petitioner, three seniors ahead of the petitioner must be considered. At present there is no vacancy in the cadre of Executive Engineer (Civil). In the order dated 13.11.2014 it is stated that when the writ petitioner has retired from service, it is decided to reassign his promotion in the cadre of Assistant Executive Engineer (Civil) from 19.07.2007 to 08.03.2001. Further

it is stated that the petitioner is eligible for notional fixation in the cadre of Assistant Executive Engineer (Civil) with effect from 08.03.2001.

3. The complaint of the writ petitioner is that further promotions had not been granted despite the existence of vacancies. Apparently it is not a matter in which this Court can take cognizance in the contempt jurisdiction. It is open for the petitioner to take appropriate proceedings in accordance with law. Since the respondent Board had already complied with the directions issued by this Court, we do not find that any willful contempt has been committed by them.

Accordingly, the contempt case is closed.

Sd/-
ASHOK BHUSHAN,
ACTING CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE