

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

Con.Case(C).No. 1017 of 2014 (S)

AGAINST THE JUDGMENT DATED 1/11/2013 IN WP(C) 25428/2013

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PETITIONER(S)/PETITIONER:

**A.K.G.MEMORIAL LABOUR CONTRACT SOCIETY LTD.
P.B NO 15, 145/16B, FORT ROAD,
TALASSERY - 670 001, REPRESENTED BY
THE SECRETARY A.K. PRAKASH**

**BY ADVS.SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA**

RESPONDENT(S)/RESPONDENT:

**SRI.SUSEEL CHANDRAN,
AGE AND FATHER'S NAME NOT KNOWN TO
THE PETITIONER, MANAGING DIRECTOR,
ERNAKULAM REGIONAL CO-OPERATIVE MILK
PRODUCERS UNION LTD.
NO E-150(D), P.BNO 2212, EDAPPALLY, KOCHI - 682 024.**

**BY SRI.K.ANAND, SENIOR ADVOCATE
ADV. SMT.LATHA KRISHNAN**

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 30-01-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**

msv/

Con.Case(C).No. 1017 of 2014 (S)

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE A1: TRUE COPY OF THE JUDGMENT IN WP(C) 25428/2013 DTD.1.11.2013.

ANNEXURE A2: TRUE COPY OF THE ORDER OF THE RESPONDENT DTD.24.12.2013.

**ANNEXURE A3: TRUE COPY OF THE REPRESENTATION DATED 23.8.2014 SUBMITTED
BEFORE THE RESPONDENT BY THE PETITIONER.**

AFFIDAVIT FILED BY THE PETITIONER CON.CASE(C).NO.1017 of 2014 DTD.20.10.2014

**ANNEXURE A3: TRUE COPY OF THE DETAILS OF THE EMPLOYEES IN EACH UNIT
AND THEIR ACCOUNT NO. AND AMOUNT PAID INCLUDING THE
IFSC CODE.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R. RAMACHANDRA MENON J.

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Cont. Case (C) No. 1017 of 2014

against

W.P.(C) No. 25429 of 2013

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Dated, this the 30th day of January, 2015

JUDGMENT

Non-compliance of the direction given in Annexure A1 judgment in W.P.(C) No. 25428 of 2013 made the petitioner to approach this Court seeking to initiate appropriate proceedings under the Contempt of Court Act against the respondent. The case of the petitioner is that, even though the respondent has passed an order as per Annexure A2, the payment has not been effected as directed by this Court, hence the grievance.

2. When the matter came up for consideration before this Court on 20.10.2014, the following interim order was passed :

"The learned counsel for the respondent submits that the amount has already been qualified as borne by Annexure A2. But the petitioner has not co-operated to cause the disbursement by filing the particulars such as chalan details and such other aspects as clearly pointed out in the last paragraph of Annexure A2.

Learned counsel seeks for time to file an affidavit, also producing the particulars.

Post after 10 days."

3. Pursuant to the said order, an affidavit dated 08.11.2014 has been filed by the respondent/contemnor, paragraphs 6 to 11 of which are relevant, and hence extracted below :

6. As per Annexure A1 judgment, the respondent was directed to consider Exhibit P3 representation and pass appropriate orders and make disbursement of any amount due. In compliance with the above direction, this respondent passed Annexure A2 order.

7. As per Annexure A2 order, it is clearly set forth that an amount of Rs.2,07,723/- will be released to the petitioner after furnishing the wage details of their employees deployed in each unit of the respondent organization.

8. As regards the amount recovered towards the Employees Provident Fund (EPF) and Employees State Insurance (ESI) it was specifically stated that same will be released on submission of the challan details and the remittance of each guards in the respective units. Without complying with the above conditions, the petitioner has approached this Hon'ble Court with the present petition without any bonafides.

9. The petitioner has not furnished the wage

details as called for. As per Annexure A-3, the petitioner has furnished a list of employees. It is submitted that while cross checking the same, it is found that the list provided by the petitioner as per Annexure A-3 is different from what he provided from time to time in different units of the respondent organization. It is claimed by the petitioner that an amount of Rs.3,23,999/- excluding EPF and ESI is due to him (for 65 employees) but as per the records of the respondent organization the total amount due to the petitioner is Rs.2,07,723/- excluding EPF and ESI.

10 It is submitted that the petitioner may be directed to provide a unit wise details of employees deployed by them along with their name, address, date of joining, wages paid, PF code, Insurance Numbers as per ESI Scheme of persons who actually worked under them in different units of the respondent organization in order to settled the payment and EPF and ESI dues.

11. It is submitted that the respondent is ready and willing to disburse the amount of Rs.2,07,723/- as set forth in Annexure A2 order."

4. Petitioner has filed a reply affidavit and in the last paragraph, it is stated as follows :

"I take leave to state that the deployment of the security guards in terms of the agreement are not in

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against W.P.(C) No. 25429 of 2013*
: 4 :

dispute. The are bound to pay the agreed rates. Therefore insisting further details regarding the employees posted in 2013 is not justified. Therefore it is humbly prayed that this Hon'ble Court may be pleased to ensure that the order is complied with and the admitted amount is released."

5. After hearing both the sides, considering the scope of the verdict passed by this Court and the position made clear from the part of the respondent, this Court holds that there is no contumacious act on the part of the respondent in any manner to be proceeded with under the relevant provisions of the Contempt of Court Act. Contempt of Court case stands dismissed accordingly, without prejudice to the rights and liberties of the petitioner to pursue other appropriate remedies in accordance with law.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd