

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

Con.Case(C).No. 1143 of 2014 (S)

WP(C) 16115/2014 of THIS HONOURABLE COURT

PETITIONER/WRIT PETITIONER IN WPC 16115 OF 2014 :

**D. VIJAYAKUMARAN NAIR, AGED 57 YEARS,
S/O. DHAMODHARAN PILLA, GOVT. CONTRACTOR,
PANGOTTUKONATHU, EDAYIL PUTHEN VEEDU,
POWDIKONAM P.O., THIRUVANANTHAPURAM-695 587.**

BY ADV. SRI.AJITH KRISHNAN

RESPONDENTS/RESPONDENTS IN WPC 16115 OF 2014 :

- 1. SOORAJ I.A.S
(AGE & FATHER'S NAME NOT KNOWN TO THE PETITIONER)
PRINCIPAL SECRETARY
PRINCIPAL SECRETARY, PUBLIC WORKS DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM, 695 001.**
- 2. DR.K.M.ABRAHAM,
(AGE & FATHER'S NAME NOT KNOWN TO THE PETITIONER)
ADDITIONAL CHIEF SECRETARY FINANCE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695 001**
- 3. C.K. SATHEESAN
(AGE & FATHER'S NAME NOT KNOWN TO THE PETITIONER)
CHIEF ENGINEER PUBLIC WORKS DEPARTMENT ROADS,
PUBLIC OFFICE, THIRUVANANTHAPURAM-695 033**
- 4. RAJENDRA BABU
(AGE & FATHER'S NAME NOT KNOWN TO THE PETITIONER)
THE SUPERINTENDING ENGINEER
PUBLIC WOKS DEPARTMENT(SOUTH CIRCLE), PUBLIC OFFICE,
THIRUVANANTHAPURAM-695 033.**
- 5. CHANDRAKUMAR
(AGE & FATHER'S NAME NOT KNOWN TO THE PETITIONER)
EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT ROADS DIVISION, PMG
THIRUVANANTHAPURAM-695 033.**

R1 TO R5 BY GOVERNMENT PLEADER SMT. LISHA M.G.

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY
HEARD ON 26-05-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Con.Case(C).No. 1143 of 2014 (S)

APPENDIX

PETITIONER'S ANNEXURES :

**ANNEXURES : COPY OF THE JUDGMENT DT 8/7/2014 IN WRIT PETITION
(CIVIL) NO. 16115/2014.**

RESPONDENT'S ANNEXURES : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.M.SHAFFIQUE, J

*** * * * ***

Cont.Case No.1143 of 2014

Dated this the 26th day of May 2015

J U D G M E N T

Petitioner has filed this contempt case inter alia stating that the directions issued by this Court has not been complied with.

2. An affidavit has been filed by the 5th respondent inter alia stating that the delay in payment was on account of the fact that the letter of credit in respect of the bills for the month of January 2014 onwards are yet to be received from the Finance Department. It is also stated that since no sanction was received from the Finance Department after October 2014, the bills from January 2014 are pending. Further it is stated that petitioner's bill had been entered in the seniority list of January 2014 itself and appropriate measures have been taken for getting approval from the Finance Department.

2. Having regard to the affidavit filed by the 5th respondent, I do not think that a case of wilful contempt has been made out especially when the direction was to consider Ext.P4 and pay the bill amount subject to seniority of the pending bill amount due to the contractors. In fact, as far as the claim is concerned, it seems that there is no dispute which is evident from the affidavit. Therefore, petitioner's case that 4th respondent did not pass any order, cannot be termed as wilful contempt. The bill payable to the petitioner is already included in the seniority list.

Under such circumstances, I do not think that a case of wilful contempt is made out and accordingly this contempt case is dropped.

(sd/-)

(A.M.SHAFIQUE, JUDGE)

jsr

