

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

Con.Case(C).No. 1209 of 2014 (S) IN WP(C).14444/2014

AGAINST THE ORDER/JUDGMENT IN WP(C) 14444/2014 of HIGH COURT OF
KERALA DATED 23-09-2014

PETITIONER:

RENJITH MAMBRATH, AGED 35 YEARS,
S/O.K.RAJAN, YOUTH PROGRAMME OFFICER,
KERALA STATE YOUTH WELFARE BOARD,
DISTRICT YOUTH CENTRE, KASARAGOD DISTRICT,
RESIDING AT MAMBRATH, P.O.MAMBA-670 611,
KANNUR DISTRICT.

BY ADVS.SRI.M.SASINDRAN
SRI.V.VENUGOPAL

RESPONDENT/2ND RESPONDENT:

RADHAKRISHNAN NAIR,
AGED AND FATHER'S NAME NOT KNOWN TO THE PETITIONER,
MEMBER SECRETARY, STATE YOUTH WELFARE BOARD,
JAWAHAR NAGAR, KAWDIYAR.P.O,
THIRUVANANTHAPURAM -695 001.

R1 BY ADV. SMT. K.A. SANJEETHA, GOVERNMENT PLEADER

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD
ON 03-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

: 2 :

APPENDIX

PETITIONER'S ANNEXURES:

- ANNEXURE A1 : TRUE COPY OF THE ORDER DATED 23.09.2014 IN W.P.
(C) NO. 14444 OF 2014.
- ANNEXURE A2 : TRUE COPY OF THE POSTAL ACKNOWLEDGEMENT CARD
EVIDENCING RECEIPT OF THE ORDER BY THE
RESPONDENT.
- ANNEXURE A3 : TRUE COPY OF THE JOINING REPORT DATED
27.10.2014.
- ANNEXUREA3(a) TRUE ENGLISH TRANSLATION OF ANNEXURE A3.
- ANNEXURE A4 : TRUE COPY OF THE LETTER DATED 30.10.2014.
- ANNEXURE A4(a) : TRUE ENGLISH TRANSLATION OF ANNEXURE A4.

RESPONDENTS' ANNEXURES:

- ANNEXUREA : TRUE COPY OF THE ORDER DATED 26.11.2014 AND ITS
ENGLISH TRANSLATION.

//TRUE COPY//

P.A. TO JUDGE.

DAMA SESHADRI NAIDU, J.

Cont. Case (C) No. 1209 of 2014

in

W.P. (C) No. 14444 of 2014

Dated this the 3rd day of March, 2015.

JUDGMENT

On 23.09.2014, this Court issued the following interim order:

“There will be an interim order staying the operation and implementation of Ext.P12 dated 26.06.2014 issued by the Member Secretary, Kerala State Youth Welfare Board. Consequently, the petitioner will be entitled to work as District Youth Programme Officer in Malappuram District with all rights and obligations attached to the said post.”

2. Later, complaining of non-compliance with the said interim order by the 2nd respondent in the writ petition, the petitioner filed the present Contempt Case.

3. On 24.11.2014, this Court passed detailed orders while issuing notice about the lackadaisical approach said to have been adopted by the authorities in implementing the interim order granted on 23.09.2014.

4. Later, the respondent filed Annexure A proceedings of

the Member Secretary dated 26.11.2014 along with the counter affidavit.

5. Now, the learned counsel for the petitioner states that in the light of Annexure A order, passed pursuant to the interim direction given by this Court earlier, the petitioner has been continuing in service. The petitioner, however, is aggrieved by the initial observation in Annexure A that the petitioner was removed from service due to dereliction of duty and insubordination, which, according to the learned counsel, is factually incorrect.

6. Be that as it may, given the nature of contempt proceedings, which are quasi-criminal, the issue as to the factual accuracy of the statement may not fall for consideration.

In the facts and circumstances, the petitioner is at liberty to make appropriate application before the authorities bringing to their notice about what is said to be the inaccuracy in the statement found in Annexure A. I am sure that the authorities

will take appropriate decision in that regard, once the petitioner submits an application.

Having observed thus, I am of the opinion that nothing further survives in the present Contempt Case and it is accordingly closed.

sd/- DAMA SESHADRI NAIDU, JUDGE.

DAMA SESHADRI NAIDU, J.

I.A. No. 483 of 2014
in
Contempt Case (C) No. 1209 of 2014

Dated this the 2nd day of December, 2014

ORDER

On the last occasion, this Court issued an order dated 24.11.2014 requiring the presence of the contemnor, having not been fully satisfied with the explanation offered by the learned Government Pleader for the non-compliance by the respondent of the interim order dated 23.09.2014 in I.A. No. 12242 of 2014 in W.P.(C) No. 14444 of 2014.

2. Today, the record reveals that the respondent having complied with the directions of this Court, passed Annexure A order dated 26.11.2014, which is evidently an order issued in furtherance of the interim direction given by this Court earlier. That apart, to dispense with his personal appearance, the respondent filed I.A. No. 483 of 2014 along with an affidavit

tendering an unconditional apology. Further, the learned Government Pleader has also explained under what circumstances the interim direction of this Court could not be implemented expeditiously.

3. Going by the grounds stated in the affidavit of the respondent and the circumstances explained by the learned Government Pleader, I believe, there is some communication gap among the official channels. Besides, the unconditional apology tendered by the petitioner seems to be genuine. In the circumstances, the personal appearance of the applicant/respondent is dispensed with.

Post the matter on 05.12.2014, at the request of the learned counsel for the petitioner.

DAMA SESHADRI NAIDU, JUDGE.

