

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

Con.Case(C).No. 1223 of 2014 (S) IN WP(C).15453/2014

(AGAINST THE ORDER IN WP(C) 15453/2014 of HIGH COURT OF KERALA
DATED 18-06-2014)

PETITIONER/2ND PETITIONER IN WPC:

JILS VARGHESE
AGED 26 YEARS
S/O.M.F.VARGHESE, ASSISTANT PROFESSOR
DEPARTMENT OF PHYSICAL EDUCATION
BISHOP MOORE COLLEGE, MAVELIKKARA.

BY ADVS.SRI.BABU VARGHESE (SR.)
SRI.VNARAYANA SWAMI

RESPONDENT/4TH RESPONDENT IN WPC:

DR.SHYLAJA.T.G
(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER)
PRINCIPAL, GOVERNMENT COLLEGE, CHAVARA
IN CHARGE OF THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION
OFFICE OF THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,
KOLLAM-691 001.

BY GOVERNMENT PLEADER SRI.MUHAMMED SAVAD

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON
19-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

COC NO.1223/2014

APPENDIX

PETITIONER'S ANNEXURES:

- ANNEXURE A1: TRUE COPY OF THE INTERIM ORDER DTD 18.6.2014 IN W.P.(C) NO.15453/2014
- ANNEXURE A2: TRUE COPY OF THE LETTER DTD 3.9.2014 ADDRESSED TO THE RESPONDENT
- ANNEXURE A3: TRUE COPY OF THE LETTER DTD 18.8.2014 SENT BY THE PRINCIPAL OF THE COLLEGE TO THE RESPONDENT
- ANNEXURE A3(a): TRUE COPY OF THE EXTRACT OF THE DESPATCH REGISTER
- ANNEXURE A4: TRUE COPY OF THE APPROVAL ORDER DTD 27.8.2013 ISSUED BY THE UNIVERSITY
- ANNEXURE A5: TRUE COPY OF THE LETTER DTD 13.1.2014 SENT BY THE RESPONDENT TO THE PRINCIPAL OF THE COLLEGE
- ANNEXURE A6: TRUE COPY OF THE COUNTER AFFIDAVIT DTD 16.8.2014 FILED BY THE UNIVERSITY IN THE WRIT PETITION

RESPONDENT'S ANNEXURES:

NIL

/TRUE COPY/

VPS

PA TO JUDGE

P.N.RAVINDRAN, J.

Contempt Case (C) No.1223 of 2014

Dated this the 19th day of January, 2015

J U D G M E N T

This contempt case is filed alleging that the respondent herein who is holding charge of the Deputy Director of Collegiate Education, Kollam, has willfully disobeyed Annexure-A1 interim order passed by this Court on 18.6.2014 in W.P.(C) No.15453 of 2014. It is stated that though this Court had by the said interim order directed that arrears of salary and allowances for the period from 27.2.2013 till the date of the order shall be drawn and disbursed to the petitioner within two weeks from the date on which the Principal of the college submits the salary bills and the Principal of the college had countersigned the salary bills and forwarded them to the Deputy Director of Collegiate Education along with his letter dated 18.8.2014, till date this Court's order has not been complied with.

2. When the contempt case came up for hearing before me on 12.12.2014, I directed the learned Government Pleader to get instructions and further directed the contempt case to be posted in chambers on 5.1.2015. On 5.1.2015, in view of the submission made by the learned Government Pleader that the interim order has not been complied with, I admitted the contempt case and issued notice to the respondent returnable in ten days. I also directed the contempt case to be posted today (19.1.2015) at 1.30 PM in

chambers.

3. When the contempt case was taken up today, the respondent was present in person. The learned Government Pleader handed over to me the report signed by Dr.Shylaja T.G., (the respondent herein) who is the officer holding charge of Deputy Director of Collegiate Education. The respondent is also the Principal of Government College, Chavara. The said report reads as follows:

"The direction contained in the above interim order has been fully complied with. The bills claiming the salary and other allowances pertaining to the period from 2/2013 to 7/2014 for gross amount of Rs.6,86,064/- (Rupees Six Lakh Eighty Six Thousand and Sixty Four only) has been admitted by this respondent and passed for payment today and disbursed to the petitioner."

3. The learned counsel appearing for the petitioner however submitted that though the salary bill was admitted and it has been presented for payment in the treasury, payment has not been effected till date. The learned Government Pleader submitted that payment has been effected. However the fact remains that it was only after the instant contempt case was filed that the salary bill of the petitioner was admitted. It is evident from the conduct of the respondent that there was no justification on her part in not disbursing salary and allowances to the petitioner within the time limit stipulated by this Court. The interim order passed by this Court was not subjected to challenge either by the respondent or by the State of Kerala. The order attained finality on 18.7.2014. Instead of complying with the

interim order, the respondent, who is also a teacher though occupying the higher post of Principal, did not take timely steps to disburse salary to the petitioner. The petitioner was therefore put to the necessity of filing the contempt case. It was only after this Court issued notice in the contempt case that the salary bills were counter signed. Such being the situation, as the petitioner was unnecessarily driven to file a contempt case in this Court, I am of the opinion that the respondent should be held personally liable to pay costs to the petitioner, which I quantify at Rs.10,000/-.

I accordingly close the contempt case with a direction that the Government shall in the first instance pay the sum of Rs.10,000/- as costs to the petitioner herein within one month from today. A memo to that effect shall thereafter be filed through the learned Government Pleader within seven days from the date on which costs as directed above is paid. The Government shall after effecting such payment, recover the amount paid by it towards costs from the salary payable to the respondent in lump.

**P.N.RAVINDRAN,
(JUDGE)**

vps

