

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 193

Con.Case(C).No. 1231 of 2014 (S)

**(AGAINST THE JUDGMENT IN WA.NO. 2761/2007 DATED 22-05-2014)
(AGAINST THE JUDGMENT IN OP.NO. 14936/2002 DATED 09-03-2007)**

PETITIONER/PETITIONER:

**P.J. MATHEW, SON OF JOSEPH, AGED 66 YEARS,
SENIOR SUPERINTENDENT (RETIRED),
REVENUE DIVISIONAL OFFICE, MUVATTUPUZHA,
ERNAKULAM DISTRICT (RESIDING AT PONNEDUTHA KALLAL,
P.O.ONNUKAL,(VIA) KOTHAMANGALAM, ERNAKULAM DISTRICT.)**

**BY ADVS.SRI.V.A.MUHAMMED
SRI.M.SAJJAD**

RESPONDENT/RESPONDENTS:

- 1. SRI. KAMALA VARDHANA RAO, IAS
AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER,
SECRETARY TO GOVERNMENT,
DEPARTMENT OF REVENUE SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. SRI.M.C.MOHAN DAS, IAS
AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER,
COMMISSIONER (LAND REVENUE),
THIRUVANANTHAPURAM-695 001.**

BY SR GOVERNMENT PLEADER SRI.P.I.DAVIS

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD
ON 06-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

COC.NO.1231/2014

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEX 1 CERTIFIED COPY OF THE JUDGMENT IN O.P.NO.14936/2002-C DATED
09/03/2007**

**ANNEX II CERTIFIED COPY OF THE JUDGMENT IN W.A.NO.2761/2007 DATED
22/5/2014.**

**ANNEX III CERTIFIED COPY OF THE ORDER IN I.A.NO.738/2014 IN
W.A.NO.2761/2007 DATED 22/8/2014.**

RESPONDENT'S ANNEXURES:

ANNEX R1(A) COPY OF THE GOVERNMENT ORDER DATED 04/11/2014

/TRUE COPY/

P.S.TO JUDGE

sts

ASHOK BHUSHAN, CJ

&

A.M. SHAFFIQUE, J.

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Con.Case(C) No. 1231 of 2014

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Dated this, the 6th day of July, 2015

J U D G M E N T

Shaffique, J.

This contempt case has been filed alleging non compliance of the directions issued by this Court in OP No.14936/2002 which was confirmed in WA No.2761/2007. By the aforesaid judgment, direction was issued to the respondents to assign notional dates of promotion to the petitioner with effect from the dates when Sri.Abraham Mathew was promoted as Deputy Tahsildar, Tahsildar and Deputy Collector and to fix his pay and consequent pensionary benefits accordingly.

2. An affidavit has been filed before this Court by the 1st respondent *inter alia* stating that orders have been passed on 04/11/2014, which is produced as Annexure R1(a), in compliance of the judgment of this Court and the petitioner has been promoted to the respective posts to which Sri.Abraham Mathew was promoted. Reassigned seniority was also given in the dates

COC No.1231/2014.

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specified in the Government Order. It is submitted by the learned Senior Government Pleader Sri.P.I.Davis that this order has been communicated to the Accountant General, who has to pass appropriate orders for payment of arrears of pension, if any, after fixation.

Having regard to the aforesaid submission, we do not think that a case of wilful contempt has been made out by the respondents. Hence, the contempt petition is closed.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge