

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

Con.Case(C).No. 1384 of 2014 (S) IN WP(C).28009/2014

AGAINST THE ORDER IN WP(C) 28009/2014 DATED 27-10-2014

PETITIONER:

STANSLAUS XAVIER T.M. AGED 46 YEARS
S/O.T.P MATHEW, CASHIER, ELECTRICAL SECTION
PALARIVATTOM, KERALA STATE ELECTRICITY BOARD
ERNAKULAM

BY ADV. DR.GEORGE ABRAHAM

RESPONDENT:

SHRI. C.V.NANDAN
(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER)
CHIEF ENGINEER(HRM), KERALA STATE ELECTRICITY BOARD
PATTOM PALACE P.O, THIRUVANANTHAPURAM-695014.

BY ADV. SRI.K.S.ANIL, SC, KSEB

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 03-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS

- ANNEXURE A : TRUE COPY OF THE KERALA STATE ELECTRICITY BOARD ORDER DATED 14.07.1995
- ANNEXURE B: TRUE COPY OF THE KERAL STATE ELECTRICITY BOARD ORDER DATED 9.3.2006
- ANNEXURE C: TRUE COPY OF THE KERALA STATE ELECTRICITY BOARD ORDER PROMOTING THE PETITIONER AND SIMILARLY SITUATED PERSONS TO THE POST OF CASHIER.
- ANNEXURE D: TRUE COPY OF THE KERALA STATE ELECTRICITY BOARD ORDER DATED 2.7.2014
- ANNEXURE E: TRUE COPY OF THE INTERIM ORDER PASSED IN WPC 17866/2014
- ANNEXURE F: TRUE COPY OF THE KERALA STATE ELECTRICITY BOARD ORDER DATED 18.10.2014
- ANNEXURE G: TRUE COPY OF THE INTERIM ORDER DATED 27.10.2014 PASSED IN WPC NO.28009/2014
- ANNEXURE H: TRUE COPY OF THE KERALA STATE ELECTRICITY BOARD ORDER DATED 01.11.2014.

/TRUE COPY/

P.A. TO JUDGE

SJ

DAMA SESHADRI NAIDU, J.

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Contempt of Case No.1384 of 2014

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Dated this the 3rd day of February, 2015

JUDGMENT

The petitioner filed the present contempt case complaining of violation of the directions in the interim order dated 27.10.2014 in W.P.(C).No.28009 of 2014. According to the learned counsel for the petitioner, the respondent Board has promoted all the Last Grade employees with regular scale of pay as Cashiers, while the petitioners and the other similarly promoted employees are still continuing as temporary Cashiers. According to him, it is in clear violation of the interim order referred to above.

2. The respondent, the Chief Engineer, filed an affidavit defending the decision taken by the Board. The learned Standing Counsel for the respondent contemnor has fairly contended that the promotion effected is only provisional. It is profitable to extract what has been stated in the affidavit filed by the sole respondent, which is as follows:-

"14. The Board Order dated 02.07.2014 was issued as the part of policy matter in line with the Government decision. It is admitted that the said Board Order was challenged by the petitioner and this Hon'ble Court ordered that promotion, if any effected will be provisional and promotees will take their rank and seniority below those already promoted on the basis of Annexure 'C'. In fact the promotion effected as per annexure 'C' is only provisional.

15. The contention of the petitioner that the Board in order to circumvent the interim order passed another order on dated 18.10.2014 is against facts and hence denied. The decision to promote personnel as per Board Order dated 18.10.2014 is part of policy matter of Board issued as per Board Order dated 02.07.2014 and in line with Government Order dated 03.01.2014. Hence the order dated 01.11.2014 promoting Office Attendants as Cashier is as per rule and hence legal. No Contempt of promotion issued was only provisional and subject to the approval of the Government and Kerala Public Service Commission. It is also to be noted that, at Clause 15 of order dated 01.11.2014 produced as Annexure H, it is specifically stated the promotions ordered are purely provisional and the rank and seniority of the promotees will be in accordance with the direction of the Hon'ble High Court in W.P.No.28009/2014." (emphasis original)

3. The learned counsel for the petitioner has eventually submitted that, in the light of the clarification issued by the respondent contemnor, the petitioner may not have any further

grievance on account of the apprehended violation of the interim direction of this Court.

4. In the facts and circumstances, having regard to the clarification issued by the respondent Board in the manner extracted above, I am of the considered opinion that there is no violation of interim direction given by this Court on 27.10.2014 in W.P.(C).No.28009 of 2014.

Accordingly, the contempt case stands closed.

DAMA SESHADRI NAIDU, JUDGE

sj