

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM

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

Con.Case(C).No. 1391 of 2014 (S) IN WP(C).38144/2008

WP(C) 38144/2008 of HIGH COURT OF KERALA

PETITIONER(S)/PETITIONER IN WPC:

**R.EMMANUEL, AGED 56 YEARS
S/O.P M ROBINSON, R/A.KUKKU DALE, PALLISSERIKKAL P O
SASTHAMKOTTA, KOLLAM DIST**

BY ADV. SRI.M.V.THAMBAN

RESPONDENT(S)/RESPONDENTS IN WPC:

- 1. SHRI.M.D.ASHOK KUMAR SINGH, IAS
PRESENTLY WORKING AS MANAGING DIRECTOR
KERALA WATER AUTHORITY, THIRUVANANTHAPURAM, PIN-695001**
- 2. SRI. SUNIL
WORKING AS ASSISTANT EXECUTIVE ENGINEER
IPD SUB DIVISION, KERALA WATER AUTHORITY, KOLLAM
PIN-691001**

BY SRI.GEORGE MATHEW, SC, KERALA WATER AUTHORITY

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 19-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Con.Case(C).No. 1391 of 2014 (S) IN WP(C).38144/2008

APPENDIX

PETITIONERS EXHIBITS:

ANNEXURE 1: CERTIFIED COPY OF THE JUDGMENT DATED 21.5.2013 IN W.P.(C). NO.38144/2008(N) OF THIS HONOURABLE COURT.

ANNEXURE II: COPY OF THE LETTER NO.KWA/JB/E2(A)/15690/2008 DATED 8.07.2014

ANNEXURE III: COPY OF THE LETTER NO.E-1008/94 VOL.II DATED 6.6.2014.

RESPONDENTS EXHIBITS: NIL

/TRUE COPY/

P.A. TO JUDGE

SKV

C.K.ABDUL REHIM, J.

=====
Cont.Case (C) No.1391 OF 2014

=====
Dated this the 19th day of January, 2015

JUDGMENT

This Contempt of Court Case is filed alleging violation of Annexure-1 judgment. In Annexure-1 judgment this court allowed the writ petition and quashed Exts.P3 and P4 proceedings issued proposing recovery from the petitioner, on the basis of cancelling benefits already granted under Exts.P1 and P2. By virtue of Exts.P1 and P2 pay protection with respect to the prior service in the Irrigation Department was granted. But by virtue of Exts.P3 and P4 the said benefit was proposed to be cancelled stating that service rendered by the petitioner in the Irrigation Department was only provisional service. This court found that Ext.P5 order does not draw any distinction between provisional service and regular service for the purpose of granting protection of last drawn pay. Therefore it was found that there is no justification in cancelling the benefits already granted by virtue of Exts.P1 and P2.

2. This Contempt of Court Case is filed on the basis that Annexure-3 letter was issued seeking clarification with respect to counting of provisional service of the petitioner for the purpose of calculation of pension.

3. It is to be noticed that the subject matter involved in the writ petition was related to cancellation of benefits granted under Exts.P1 and P2 and the recovery steps proposed. The petitioner has no case that in violation of the Annexure-1 judgment any steps was taken for recovering any of the benefits granted, in violation of the terms of Annexure -1 judgment.

4. Learned Sanding counsel appearing for the respondents submitted that necessary proceedings has already been issued by the Executive Engineer concerned directing stoppage of all recovery steps. Therefore this court is convinced that no steps in violation of directions contained in Annexure-1 judgment was taken by the respondents. If the petitioner has got any grievance regarding his pension calculation, he will be at liberty to agitate the issues separately in appropriate proceedings.

5. Under the above mentioned circumstances this Contempt of Court Case is hereby closed reserving liberty to the petitioner as mentioned above.

Sd/-
C.K.ABDUL REHIM, JUDGE.

/TRUE COPY/

P.A. TO JUDGE

SKV