

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

FRIDAY, THE 7TH DAY OF JUNE 2024 / 17TH JYAISHTA, 1946

CON.CASE(C) NO. 1329 OF 2017

AGAINST THE JUDGMENT DATED 12.11.2014 IN WPC NO.27836 OF 2012 OF
HIGH COURT OF KERALA

PETITIONER/PETITIONER IN WPC:

C.M.HARISH

S/O.C.H. BHARATHAN, AGED 64 YEARS, RESIDING AT 4B,
KARTHIKA APARTMENT, PALLIMUKKU, PETTAH,
THIRUVANANTHAPURAMPIN-695024.

BY ADVS.

SMT.SUMATHY DANDAPANI (SR.)

SRI.MILLU DANDAPANI

RESPONDENT/3RD RESPONDENT IN WPC:

1 DR. N.POORNACHANDRA RAO
(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER)
DIRECTOR, NATIONAL CENTRE FOR EARTH SCIENCE STUDIES
(FORMERLY CENTRE FOR EARTH SCIENCE STUDIES) THURUVIKKAL
PO., AKKULAM, THIRUVANANTHAPURAM PIN-691031.

*¹ ADDL. RESPONDENT NO.2

ADDL. R2 DR. SURESH DAS
EXECUTIVE VICE PRESIDENT, (AGE AND FATHER'S NAME NOT
KNOWN TO THE PETITIONER)
KERALA STATE COUNCIL FOR SCIENCE TECHNOLOGY AND
ENVIRONMENT (KSCSTE), SHASTRA BHAVAN, PATTAM,
THIRUVANANTHAPURAM 695004.

*² ADDL. RESPONDENT NO.3

ADDL. R3 DR. K P SUDHEER, AGED 53 YEARS,
S/O DAMODARAN, KULAMULLA PRAMABATHU, EXECUTIVE VICE
PRESIDENT, KERALA STATE COUNCIL FOR SCIENCE TECHNOLOGY
AND ENVIRONMENT (KSCSTE), SHASTRA BHAWAN, PATTAM,
THIRUVANANTHAPURAM-695004.

*¹ [ADDITIONAL RESPONDENT NO.2 IS IMPEADED VIDE ORDER DATED 31.08.2017 IN IA 594/2017]

*² [ADDITIONAL RESPONDENT NO.3 IS IMPEADED AS PER ORDER DATED 21/12/2023 IN I.A 1/2023 IN COC 1329/2017]

BY ADVS.
ASSISTANT SOLICITOR GENERAL
SRI.P.C.SASIDHARAN, SC, KSCSTE
SMT.O.M.SHALINA, CGC
MANU S., DSG OF INDIA

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 07.06.2024, ALONG WITH Con.Case(C).1603/2017, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

FRIDAY, THE 7TH DAY OF JUNE 2024 / 17TH JYAISHTA, 1946

CON.CASE(C) NO. 1603 OF 2017

AGAINST THE JUDGMENT DATED 12.11.2014 IN WPC NO.2235 OF 2012 OF
HIGH COURT OF KERALA

PETITIONERS/PETITIONERS IN WPC:

- 1 DR.NARAYANASWAMY, S/O GANGADHARAPPA N.C.,
AGED 59 YEARS, SCIENTIST F(RETIRED), CENTRE FOR EARTH
SCIENCES, THURUVICKAL, AKKULAM,
THIRUVANANTHAPURAM- 695 031.
- 2 DR. P.V.S.S.K. VINAYAK, S/O.SURYA RAO,
AGED 64 YEARS, NOW RESIDING AT 3-2-145, SANKARAMATAM
STREET, K.AGRAHARAM, AMALAPURAM 533 201, E.G.D.T.,
ANDHRA PRADESH.

BY ADV SRI.MILLU DANDAPANI

RESPONDENT/RESPONDENT IN WPC:

- 1 DR.N.POORNACHANDRA RAO
(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER)
DIRECTOR, NATIONAL CENTRE FOR EARTH SCIENCE STUDIES
(FORMERLY CENTRE FOR EARTH SCIENCE STUDIES),
THURUVIKKAL P.O, AKKULAM, THIRUVANANTHAPURAM 691031

*¹ ADDL. RESPONDENT NO.2

ADDL. R2 DR.SURESH DAS
(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER)
EXECUTIVE VICE PRESIDENT, KERALA STATE COUNCIL FOR
SCIENCE TECHNOLOGY AND ENVIRONMENT, (KSCSTE), SHASTRA
BHAVAN, PATTAM, THIRUVANANTHAPURAM-695004.

***² ADDL. RESPONDENT NO.3**

ADDL. R3 DR. K P SUDHEER,
AGED 53 YEARS, S/O DAMODARAN, KULAMULLA PRAMABATHU,
EXECUTIVE VICE PRESIDENT, KERALA STATE COUNCIL FOR
SCIENCE TECHNOLOGY AND ENVIRONMENT (KSCSTE), SHASTRA
BHAWAN, PATTAM, THIRUVANANTHAPURAM - 695 004.

*¹[ADDITIONAL RESPONDENT NO.2 IS IMPEADED AS PER ORDER DATED
25/09/2017 IN IA 630/2017 IN COC 1603/2017]

*²[ADDL.R3 IS IMPEADED AS PER ORDER DATED 21/12/2023 IN IA 1/2023
IN COC 1603/2017.]

BY ADVS.
MANU S., ASG OF INDIA
P.C.SASIDHARAN
No Advocate
SRI.GEORGE ZACHARIAHSCKSCSTE
SMT.O.M.SHALINA, CGC

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 07.06.2024, ALONG WITH Con.Case(C).1329/2017, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

SATHISH NINAN, J.

**= = = = =
Contempt Case Nos.1603 & 1329 of 2017**

**= = = = =
Dated this the 7th day of June, 2024**

J U D G M E N T

The petitioners allege willful disobedience of the directions of this Court given in the common judgment dated 12.11.2014 in W.P(C).Nos. 26114/2011, 27835/2012, 27845/2012 and 2235/2012, and the judgment dated 02.03.2018 in these Contempt Cases.

2. The writ petitions were filed by the petitioners alleging non-disbursal of the entitled gratuity amounts. This Court disposed of the writ petitions with the following directions :-

“32. Accordingly, W.P.(C) Nos.26114/2011, 27835/2012, 27836/2012, 27845/2012 & 2235/2012 are allowed to the extent of directing the respondents concerned in these cases to pay immediately the full gratuity amounts without any ceiling limit, if not already paid and in case, part payment thereof has already been made, then to pay the balance gratuity amounts as above said to the retiree petitioners concerned within one month from the date of production of the certified copy of this judgment in the cases concerned. If the above said amounts are not paid within the

above said time limit, the said amount will carry interest @ 10% p. a. effective from two months from the respective date of retirement of each of the retiree petitioner concerned up to the date of actual payment. These Writ Petitions (Civil) are thus allowed, to the above extent.”

This court directed payment of full gratuity amount without any ceiling limit, within one month from the date of production of a certified copy of the judgment. If it was not paid within the said period, the amount was to carry interest at the rate of 10% per annum, to be effective from two months from the date of retirement of the respective petitioners. The judgment was affirmed in appeal. The Special Leave Petitions filed against the same were also dismissed.

3. Alleging non-compliance with the directions in the judgment, Contempt Cases were filed as Nos.1603 of 2017 and 1329 of 2017. The first respondent therein was the Director of the National Centre for Earth Science Studies, and the second respondent was the Executive

Vice-President of the Kerala State Council for Science and Technology and Environment. As per common judgment dated 02.03.2018, the Division Bench disposed of the Contempt Cases as under :-

“3. In the light of the aforesaid statement and as the first respondent has agreed to release the required amount of funds, we dispose of the contempt petitions with the following directions :-

(1) Within ten days from today, the second respondent shall inform the first respondent the amount that is required for settling the liability that is due to the petitioners.

(2) Once the intimation is received as above, within weeks thereafter, the first respondent will disburse necessary amounts to the second respondent.

(3) On receipt of amount from the first respondent, the second respondent shall disburse the amounts that are due to the petitioners within ten days of its receipt.

(4) In this process, it would be open to the first respondent to obtain necessary undertaking from the second respondent to reimburse the amount that is released to satisfy the liability that is due to the petitioners.”

Liberty was granted to the petitioners to seek for re-opening of the Contempt Cases in the event of non-

compliance with the directions by the respondents.

4. Thereafter the petitioners filed applications as IA Nos.4 of 2018 and 5 of 2018 in Contempt Case No.1603 of 2017, and IA Nos.4 of 2018 and 5 of 2018 in Contempt Case No.1329 of 2017, seeking reopening of the contempt cases alleging non-compliance, and to accept documents on file. The document produced along with the applications indicate that the second respondent had intimated the first respondent the gratuity amount payable but, excluding the interest as ordered by this Court. Direction No.1 in the Contempt Case judgment was that the second respondent shall inform the first respondent the amounts required to settle the liability. In terms of the judgment in W.P.(C) No.27854/2012, the liability included principal and interest. Therefore, though the second respondent was bound to intimate the total amount inclusive of interest, only the principal amount was intimated.

5. The second respondent in the contempt cases retired and Dr.Suresh Das, Executive Vice President (KSCSTE) was impleaded as Addl. R2 as per order dated 25/09/2017 in IA No.630/2017 in Contempt Case No.1603 of 2017 and as per order dated 31.08.2017 in IA No.594/2017 in Contempt Case No.1329 of 2017.

6. The learned counsel for the third respondent would contend that, as per the MOU dated 01.01.2014 entered into between the Central Government and the State Government, all liabilities prior to 01.01.2014 is to be borne by the State and the liability of the Central Government is only after 01.01.2014. It is in the said background that the third respondent failed to calculate the interest and intimate the total amount inclusive of interest, to the first respondent, he submits.

7. In the light of the categoric directions in the judgment in the writ petitions and the Contempt Cases,

which have been noted above, there is no scope for a contention that the third respondent was bound to intimate the first respondent only the principal amount due. The entire amount required to settle the liability of the petitioners, which means, inclusive of the interest as ordered in the judgment in the writ petition is to be intimated. On such intimation, the first respondent is to disburse the amounts for settling the liability. The disputes if any between respondents 1 and 3 with regard to their respective liabilities, is to be settled between them in appropriate proceedings. The petitioners cannot be made scapegoats in such tussle.

Resultantly, it is ordered that the third respondent shall, in terms of the directions in Contempt Case Nos.1603 and 1329 of 2017, within ten days from today, intimate the balance gratuity amount payable to the petitioners, inclusive of interest till the date of payment. On receipt of such intimation, the first

Contempt Case Nos.1603 &
1329 of 2017

-: 7 :-

respondent shall, within three weeks thereafter, disburse the necessary amounts to the third respondent. On receipt of the amount from the first respondent, the same shall be disbursed to the petitioners within ten days of its receipt. Respondents 1 and 3 shall thus comply with the directions in the common judgment dated 12.11.2014 in W.P(c).Nos. 26114/2011, 27835/2012, 27845/2012 and 2235/2012, and as contained in paragraph 3 of the judgment dated 02.03.2018 in these Contempt Cases in its true letter and spirit.

With the above clarifications, the Contempt Cases are closed. In the event of non-compliance with the directions, it shall be open for the petitioners to seek for re-opening of the Contempt Cases.

Sd/-
SATHISH NINAN
JUDGE

kns/-

//True Copy//

P.S. to Judge

APPENDIX OF CON.CASE(C) 1603/2017

RESPONDENT ANNEXURES

ANNEXURE R2 (a) A TRUE COPY OF THE MOU ENTERED BETWEEN THE
MINISTRY OF EARTH SCIENCE, GOVERNMENT OF
INDIA, SCIENCE AND TECHNOLOGY DEPARTMENT
GOVERNMENT OF KERALA AND with the KSCSTE

PETITIONER ANNEXURES

Memo of Charges MEMO OF CHARGES

ANNEXURE A PHOTOCOPY OF COMMON JUDGMENT OF THIS
HONOURABLE COURT DATED 12.11.2014 RENDRED IN
WP(C) NO.2235 OF 2012-D AND WP(C) NO.27845 OF
2012-E

ANNEXURE B PHOTOCOPY OF ORDER OF THE HONOURABLE SUPREME
COURT,DATED 11.11.2016,RENDERED IN SLP
NO.20837/2016

APPENDIX OF CON.CASE(C) 1329/2017

RESPONDENT ANNEXURES

ANNEXURE R2(a) A true copy of the MOU entered between the Ministry of Earth Science, Government of India, Science and Technology Department Government of Kerala and with the KSCSTE
