

Ouseph M.E. vs Sethukumar S

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Court : Kerala

Decided On : Feb-09-2022

Judge : Honourable Mr. Justice Alexander Thomas, Honourable Mr. Justice Viju Abraham

Appeal No. : Con.Case(C)/17/2022

Appellant : Ouseph M.E.

Respondent : Sethukumar S

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS & THE HONOURABLE MR. JUSTICE VIJU ABRAHAM WEDNESDAY, THE 9TH DAY OF FEBRUARY 2022 / 20TH MAGHA, 1943 CON.CASE(C) NO. 17 OF 2022 AGAINST THE JUDGMENT DATED 11.10.2021 IN WA 1299/2021 ARISING FROM

JUDGMENT DATED 05.10.2021 IN W.P.(C) NO.18238 OF 2021 OF LEARNED

SINGLE JUDGE PETITIONER/APPELLANT: OUSEPH M.E., AGED 54 YEARS, S/O. M.P ESTHAPAN, MOOTHEDAN HOUSE, KOOVAPADY P.O,

PERUMBAVOOR, ERNAKULAM DISTRICT, 683544, TECHNICAL ASSISTANT PROJECT DIVISION, KERALA WATER AUTHORITY, KANNUR BY ADVS. GEORGE MATHEW M.D.SASIKUMARAN MATHEW K.T. SUNIL KUMAR A.G GEORGE K.V. PRAVEEN S. DIPU JAMES STEPHY K REGI RESPONDENT/2ND RESPONDENT IN WA: SETHUKUMAR S,(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER) CHIEF ENGINEER, HRD & GENERAL, KERALA WATER AUTHORITY, JALA BHAVAN, VELLAYAMBALAM, THIRUVANANTHAPURAM 695 033 BY ADV SHRI.P.BENJAMIN PAUL, SC, KERALA WATER AUTHORITY THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 09.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: Cont. of Court Case (C) No.17 of 2022 2 ALEXANDER THOMAS & VIJU ABRAHAM, JJ.
===== Cont. of Court Case (C) No.17 of 2022 [Arising out of the judgment dated 11.10.2021 in W.A.No.1299 of 2021 arising from

judgment dated 05.10.2021 in W.P.(C) No.18238 of 2021 of learned single judge]

===== Dated this the 9th day of February, 2022

JUDGMENT

Alexander Thomas, J.

The above said Contempt of Court Case has been filed alleging non compliance of the directions and orders passed by this Court as per Annexure-A2 judgment dated 11.10.2021 rendered in W.A.No.1299 of 2021.

2. Heard Sri.George Mathew, learned counsel appearing for the petitioner in the COC and Sri. P.Benjamin Paul, learned Standing Counsel for the Kerala Water Authority appearing for the respondent herein.

3. Today, when the matter has been taken up for

consideration, Sri.P.Benjamin Paul, learned Standing Counsel for the Kerala Water Authority would submit on the basis of the instructions that a vacancy in the post of Assistant Executive Engineer had occurred in the office at Tripunithura and a request for compassionate transfer and posting was made by a lady employee, who was then posted at Kozhikode on the ground that she is

Cont. of Court Case (C) No.17 of 2022 3 undergoing very serious medical treatment for immunological disorder and that her family is based in Kottayam and that there is no vacancy at Kottayam and that she may be accommodated at least in the vacancy at Tripunithura and it is only on this highly compassionate grounds that the competent authority of the respondent Water Authority had decided to give transfer and posting to that lady employee from Kozhikode to the vacancy at Tripunithura, Ernakulam District purely on compassionate grounds. Further that the main directions issued by this Court as per the concluding portion of para No.10 of Annexure-A2 judgment have now been fully complied with, in as much as this Court had mainly directed that the appellant may be considered for posting in a vacancy at Ernakulam, which may occur on account of a retirement vacancy on 31.03.2022 and that now orders have been passed by the respondent officer as per proceedings dated 16.01.2022 ordering that the appellant herein shall be posted as Assistant Executive Engineer in the office at Tripunithura in the retirement vacancy, that is to arise on 31.01.2022 and that the directions of this Court have been fully complied with, etc..

4. After hearing both sides, we are of the view that no contempt has been committed by the respondent officer and the

Cont. of Court Case (C) No.17 of 2022 4 posting given on compassionate basis to a lady employee in the vacancy that had earlier arisen at Tripunithura cannot be said to be a contumacious conduct on the part of the respondent officer in any manner. Moreover, the main directions issued by this Court as per Annexure-A2 judgment have now been complied with. Hence, there is no necessity to keep this Contempt Petition pending any longer.

Recording the above said submissions of the respondent officer, the above Contempt of Court Case will stand disposed of. sd/- ALEXANDER THOMAS,

JUDGE sd/- VIJU ABRAHAM, JUDGE pm Cont. of Court Case (C) No.17 of 2022
5 APPENDIX OF CON.CASE(C) 17/2022 PETITIONER'S ANNEXURES Annexure
A1 TRUE COPY OF JUDGMENT DTD 05-10-2021 IN W.P(C0 NO. 18238 OF
2021 Annexure A2 TRUE COPY OF JUDGMENT DTD 11-10-2021 IN W.A NO.
1299 OF 2021 Annexure A3 TRUE COPY OF REPRESENTATION DTD 02-11-
2021 SUBMITTED BY PETITIONER WITH RESPONDENT Annexure A4 TRUE
COPY OF MINUTES OF MEETING DTD 30- 11-2021 Annexure A5 TRUE COPY
OF ORDER NO. 3568/E2(A)-2020- KWA DTD 31-12-2021 ISSUED BY
RESPONDENT

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