

Aneesh a. Vs. Somasundaram

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SooperKanoon Citation : sooperkanoon.com/65134

Court : Kerala

Decided On : Sep-02-2015

Judge : Honourable Mr.Justice P.N.Ravindran

Appellant : Aneesh a.

Respondent : Somasundaram

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE
HONOURABLE MR.JUSTICE P.N.RAVINDRAN WEDNESDAY, THE 2D DAY OF
SEPTEMBER 2015 11TH BHADRA, 1937 Con.Case(C).No. 54 of 2015 (S)
----- AGAINST THE

ORDER

/

JUDGMENT

IN WP(C) 4081/2014 of HIGH COURT OF KERALA DATED 05-06-2014
PETITIONER: ----- ANEESH A. AGED 28 YEARS, AJITHA MANDIRAM,
KOVILTHOTTAM, CHAVARA P.O., KOLLAM-691 583 BY
ADVS.SRI.V.JAYAPRADEEP SRI.SHANE WILFRED MORRIS
RESPONDENT(S): ----- 1. SOMASUNDARAM, (AGE AND FATHERS
NAME NOT KNOWN TO THE PETITIONER), THE CHAIRMAN, KERALA
MINERALS AND METALS LTD, SANKARAMANGALAM, CHAVARA P.O.,

KOLLAM691583 2. SHIROMANY, AGE AND FATHERS NAME NOT KNOWN TO THE PETITIONER), THE MANAGING DIRECTOR, KERALA MINERALS AND METALS LTD, SANKARAMANGALAM, CHAVARA P.O., KOLLAM691583 3. CJ GEORGE, AGE AND FATHERS NAME NOT KNOWN TO THE PETITIONER), THE EXECUTIVE DIRECTOR, KERALA MINERALS AND METALS LTD, SANKARAMANGALAM, CHAVARA P.O., KOLLAM691583 4. AJAIKRISHNAN, AGE AND FATHERS NAME NOT KNOWN TO THE PETITIONER), GENERAL MANAGER (P & A), KERALA MINERALS AND METALS LTD, SANKARAMANGALAM, CHAVARA P.O., KOLLAM691583 R4 BY ADV. SRI.P.VISWANATHAN R4 BY ADV. SRI.SUNIL N.SHENOI R BY SMT.LATHA KRISHNAN THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 0209-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: Con.Case(C).No. 54 of 2015 (S) APPENDIX PETITIONER'S ANNEXURES: ANNEXURE A CERTIFIED COPY OF THE

JUDGMENT

IN WPC NO.4081 OF 2014 DATED 56.2.2014 OF THIS HON'BLE COURT. ANNEXURE B THE COPY OF THE POSTAL RECEIPTS. ANNEXURE C THE COPY OF THE ACKNOWLEDGEMENT CARDS SIGNED BY THE RESPONDENTS. RESPONDENTS' ANNEXURES: ANNEXURE A1: TRUE COPY OF INTIMATION SENT TO KERALA STATE PRODUCTIVITY COUNCIL. ANNEXURE A2: TRUE COPY OF the LETTER DATED 17.06.2014 SENT BY KERALA STATE PRODUCTIVITY COUNCIL. ANNEXURE A3: TRUE COPY OF THE PROPOSALS SENT BY M/S KERALA STATE PRODUCTIVITY COUNCIL. ANNEXURE A4: TRUE COPY OF THE REPLY SENT BY M/S KERALA STATE PRODUCTIVITY COUNCIL DATED 37.2.2014. ANNEXURE A5: TRUE COPY OF THE DRAFT WORK

ORDER

FINALIZED ON 24.7.2014. ANNEXURE A6: TRUE COPY OF THE COMMUNICATION DATED 58.2.2014. ANNEXURE A7: TRUE COPY OF THE FINAL WORK

ORDER

ENCLOSING CHEQUE NO.190099 DATED 30.09.2014. ANNEXURE A8(a) TRUE COPY OF NOTICES ISSUED BY CONTRACT EMPLOYEES. ANNEXURE A8(b) TRUE COPY OF NOTICES ISSUED BY CONTRACT EMPLOYEES. ANNEXURE A8(c) TRUE COPY OF NOTICES ISSUED BY CONTRACT EMPLOYEES. ANNEXURE A8(d) TRUE COPY OF NOTICES ISSUED BY CONTRACT EMPLOYEES. ANNEXURE A8(e) TRUE COPY OF NOTICES ISSUED BY CONTRACT EMPLOYEES. ANNEXURE A8(f) TRUE COPY OF NOTICES ISSUED BY CONTRACT EMPLOYEES. ANNEXURE A8(g) TRUE COPY OF NOTICES ISSUED BY CONTRACT EMPLOYEES. ANNEXURE A9 TRUE COPY OF THE REPORT SUBMITTED BY THE VIGILANCE AND SECURITY SUPERINTENDENT OF KMML. ANNEXURE A10 TRUE COPY OF MINUTES OF MEETING DATED 26.11.2014. TRUE COPY P.A. TO JUDGE kp/- P.N.RAVINDRAN, J.

----- Contempt Case (C) No.54 of 2015 -----
----- Dated this the 2nd day of September, 2015 -----

JUDGMENT

This contempt case is filed alleging that the respondents herein have wilfully disobeyed Annexure A judgment delivered by this court on 5.6.2014 in W.P.(C).No.4081 of 2014. By that judgment this court directed the respondents herein who are respondents 2 to 5 in the writ petition to complete the selection process for appointment to the post of Junior Workers in the Kerala Minerals and Metals Limited pursuant to Ext.P6 notification produced along with the writ petition expeditiously and in any event, within six months from 5.6.2014. It is stated that though the said period of six months expired on 4.12.2014, the respondents have not complied with the directions issued by this court in Annexure A judgment.

2. When the contempt case came up for hearing before me after admission on 11.3.2015, the second respondent herein, the Managing Director, Kerala Minerals and Metals Limited and the fourth respondent, its General Manager (Personal and Administration) were present. The second respondent had also sworn to an affidavit dated 18.2.2014 wherein it was stated that by an order passed on 2.12.2014 on I.A.No.16251 of 2014 in W.P.(C).No.7827 of 2013, a learned single

C.O.C.No.54 of 2015 -2- Judge of this court has stayed the selection process by staying the written test and that the respondents have decided to dispense with the written test and to conduct the selection by holding an interview/physical test. It was also submitted before me that the first respondent in the contempt case is no longer the chairman of the Kerala Minerals and Metals Limited and that the third respondent is undergoing treating and that is the reason why respondents 1 and 3 are not present. In view of the aforesaid facts, the personal appearance of the respondents were dispensed with and the contempt case was adjourned by two weeks so as to enable the respondents to seek appropriate modification of the interim order passed by this court on 2.12.2014 on I.A.No.16251 of 2014 in W.P.(C).No.7827 of 2013. I also directed the contempt case be called on 26.3.2015.

3. The contempt case thereafter came up before me on 8.4.2015 and on that day it was adjourned after vacation. It again came up before me on 23.7.2015 and on that day it was adjourned to 7.8.2015. On 7.8.2015 it was adjourned to today.

4. When the contempt case came up for hearing today, learned counsel for the respondents submitted that the interim order passed by this court on 2.12.2014 on I.A.No.16251 of 2014 in W.P.(C). No.7827 of 2013 was modified and the respondents were permitted to C.O.C.No.54 of 2015 -3- proceed with the selection process after dispensing with the written test. Learned counsel submitted that the Company has thereafter addressed to the Government seeking approval of the criteria prescribed for selection and that the Government have by order passed on 4.8.2015 approved the criteria. It was also submitted that the call letters have been sent to the candidates inviting them for the interview and that the selection process will be completed within four months from today. In the light of the aforesaid submission, I find no good grounds to proceed further with this contempt case. It is accordingly closed, recording the submission made on behalf of the respondents by their counsel that the selection process pursuant to Ext.P6 notification produced in W.P.(C).No.4081 of 2014 will be completed within four months from today. In the event of failure on the part of the respondents in honouring the aforesaid undertaking, it will be open to the petitioner to file an appropriate application to have this contempt case reopened. P.N.RAVINDRAN JUDGE kp/-

