

BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

Contempt Case (Civil) No

Of 2021

(Non-compliance of Judgment dated 18.08.2020 in W P (C) No 13662/2020)

PETITIONERS/ Writ Petitioners

(1)Kerala Private College Teachers' Association

(Govt. Regn. No. G.O(MS) No. 2/06 H.Edn. Dt. 04.04.2006)

KPCTA Mandir, TC-25/2814 MBRRA36, Mathrubhumi Road, Vanchiyoor,

Thiruvananthapuram - 695 035, represented by its President Dr. Joby Thomas

K,S/o K.O. Thomas, aged 55 years Associate Professor & Vice Principal,

Department of Chemistry, St. Thomas College (Autonomous), Thrissur,

residing at Kakkassery House, Velukkaran Lane, East Fort Thrissur – 680 005

(2))Dr. U. Abdul Khalam

S/o Late M. Ummer Pillai, aged 54 years

Associate Professor, Iqbal College, Peringamala, Thiruvananthapuram ,

residing at House No: 4, Blue Mount Gardens, Peerorkada P.O

Thiruvananthapuram 695005

(3) Jobin Jose

S/o Joseph Joseph, aged 41 years

Assistant Professor, Department of Malayalam, Deva Matha College

Kuravilangadu, Kottayam, residing at Chamakalayil House, Thellakam P.O

Kottayam 686633

Vs.

RESPONDENT/ 1st respondent in W P (C)

Dr. Vishwas Mehta IAS

(Age and father`s name of the respondent not known to the petitioners)

Chief Secretary to Government

Government of Kerala

Government Secretariat, Thiruvananthapuram 695001

**CONTEMPT OF COURT CASE FILED UNDER SECTION 12 AND 14 OF THE
CONTEMPT OF COURTS ACT 1971 READ WITH RULE 3 AND 4 OF THE
CONTEMPT OF (HIGH COURT OF KERALA) RULES 1988**

(A) The address for service of the petitioner is that of his counsel ARUN B VARGHESE, AISWARYA V.S , Advocates, SALY & ARUN ASSOCIATES, 4th Floor, DD Vyapar Bhavan , Kadavanthara , Ernakulam.20

(B) The address for service to the respondent is as shown above.

STATEMENT OF FACTS

The petitioners herein are the writ petitioners and the respondent herein is the 1st respondent in the writ petition. The Government of Kerala has issued orders on 29.06.2019, implementing the revised University Grants Commission Scheme for revision of pay scales of teachers of in the State of Kerala. But the said benefit was not granted to the teachers in the aided colleges. Hence writ petition was filed against the inordinate delay on the part of the Government of Kerala in not disbursing the revised pay and revised rate of dearness allowances to the teachers in the aided colleges. When the above said writ petition was taken up for consideration on 18.09.2020, the counsel for the writ petitioners/petitioners herein, have submitted before this Honourable Court that the 1st writ petitioner who is the 1st petitioner herein has submitted Exhibit P3 representation before the Government and prayed that the same may be directed to be considered and disposed of. This Honourable Court after hearing the Government pleader who appeared for the respondent herein, disposed the writ petition through

judgment dated 18.09.2020 directing the respondent herein who was the 1st respondent in the writ petition to consider and pass appropriate orders on Exhibit P 3 representation within three months from the date of receipt of copy of the judgment and further directed the respondent herein to advert the contentions of the petitioners before passing the appropriate orders. Since this is a matter to be decided by the Government of Kerala, direction was given to the respondent herein, even though Exhibit P3 was filed before the 2nd respondent in the writ petition. Certified copy of the judgment dated 18.09.2020 in WP (C)No 13662/2020 is produced here with and marked as **ANNEXURE I**. The petitioner herein produced the copy of the judgment before the respondent along with letter dated 25.09.2020. A true copy of the letter dated 25.09.2020 send by the 1st petitioner before the respondent herein is produced herewith and marked as **ANNEXURE AII**. Similar letter was send to the 2nd respondent in the writ petition.

(2) It is respectfully submitted that since the time limit prescribed by this Honourable Court was over, the counsel for the petitioners have send a notice to the respondent herein asking him to pass orders as directed by this Honourable Court in Annexure AI judgment and further informed that the non-compliance of the direction of this Honourable Court will result in Contempt of Court Proceedings. A true copy of the letter dated 04.01.2021 send by the counsel for the petitioners to the respondent herein is produced herewith and marked as **ANNEXURE AIII**. The respondent herein has received Annexure AIII notice send by the counsel for the petitioners. A true copy of the postal receipt and the acknowledgment card showing the acceptance of Annexure AIII is produced herewith and marked as **ANNEXURE AIV**. The time limit prescribed by this court is already over and the respondent has not complied with the direction in the judgment.

In the above stated circumstances the petitioners have got no other efficacious remedy than to approach this court by filing this contempt case on the following among other

GROUND

(A)The respondent had willfully disobeyed the direction of this Honourable court.

(B) The respondent willfully flouted and disobeyed the direction contained in Annexure –I judgment.

(C) Annexure I order was passed after hearing the respondent also. The respondent is duty bound to pass orders as directed by this court.

(D) The respondent is guilty of grave contempt of court and is liable to be proceeded under the contempt of court Act.

For these and other grounds to be urged at the time of hearing, it is most humbly prayed that this Honourable court be pleased to:

(i) Hold that the respondent is guilty of the charges of contempt of this Honourable court as detailed in the memorandum of charges and is liable to be proceeded against under Section 12 and Section 14 of the Contempt of Court Act.

(ii) Punish the respondent by finding him guilty of charges detailed in the memorandum of charges.

And

(iii) Issue such other order or direction as is deem fit by this Honourable court

Dated this the 24th day January 2021

Petitioners

ARUN.B.VARGHESE

Counsel for the petitioner

BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

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Dr. Vishwas Mehta IAS

: Respondent/ 1st respondent WP(c)

AFFIDAVIT

I Dr. Joby Thomas K, S/o K.O. Thomas, aged 55 years , residing at Kakkassery House, Velukkaran Lane, East Fort Thrissur – 680 005 do hereby solemnly affirm and state as follows.

(2) I am the President of the 1st petitioner in the above Contempt of Court (Civil) case and I know the facts of the case as disclosed from the files maintained at the office of the Association and I am competent to swear this affidavit. I am swearing this affidavit on behalf of other petitioners also and I am authorized to do so

(3) The respondent had willfully disobeyed the direction contained in the judgment and is liable to be prosecuted under the Contempt of Court Act. I have not filed any other petition seeking similar or identical reliefs.

What is stated are true and correct to the best of my knowledge, belief and information.

Dated this the 24th day of January 2021

DEPONENT

Solemnly affirmed and signed before me by the deponent who is personally known to me on this the 24th day of January 2021 at my office at Ernakulam

ADVOCATE

BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

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Chief Secretary to Government

Government of Kerala

Government Secretariat, Thiruvananthapuram 695001

MEMO OF CHARGES

That you, Dr. Vishwas Mehta IAS, the Chief Secretary to Government, Government of Kerala, the respondent herein and the 1st respondent in WP(C) No 13662/2020 had willfully disobeyed the direction contained in Annexure I Judgment, by not considering Exhibit P3 representation and by not passing orders on Exhibit P3 representation as directed in Annexure I Judgment and thus you are liable to be proceeded against and punished under Section 12 of the Contempt of Court Act,1971.

Dated this the 24th day of January 2021

COUNSEL FOR THE PETITIONERS

BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

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SYNOPSIS

The petitioners herein are the writ petitioners and the respondent herein is the 1st respondent in the writ petition. The Government of Kerala has issued orders on 29.06.2019, implementing the revised University Grants Commission Scheme for revision of pay scales of teachers of in the State of Kerala. But the said benefit was not granted to the teachers in the aided colleges. Hence writ petition was filed against the inordinate delay on the part of the Government of Kerala in not disbursing the revised pay and revised rate of dearness allowances to the teachers in the aided colleges. When the above said writ petition was taken up for consideration on 18.09.2020, the counsel for the writ petitioners/petitioners herein, have submitted before this Honourable Court that the 1st writ petitioner who is the 1st petitioner herein has submitted Exhibit P3 representation before the Government and prayed that the same may be directed to be considered and disposed of. This Honourable Court after hearing the Government pleader who appeared for the respondent herein, disposed the writ petition through Annexure I judgment dated 18.09.2020 directing the respondent herein who was the 1st respondent in the writ petition to consider and pass appropriate orders on Exhibit P 3 representation within three months from the date of receipt of copy of the judgment and further directed the respondent herein to advert the contentions of the petitioners before passing the appropriate orders. Since this is a matter to be decided by the Government of Kerala, direction was given to the respondent herein, even though Exhibit P3 was filed before the 2nd respondent in the writ petition. The petitioner herein produced

the copy of the judgment before the respondent along with letter dated 25.09.2020 as evident from Annexure II letter .

Since the time limit prescribed by this Honourable Court was over, the counsel for the petitioners have send Annexure AIII notice to the respondent herein asking him to pass orders as directed by this Honourable Court in Annexure AI judgment and further informed that the non- compliance of the direction of this Honourable Court will result in Contempt of Court Proceedings. The respondent herein has received Annexure AIII notice send by the counsel for the petitioners as evident from Annexure AIV. The time limit prescribed by this court is already over and the respondent has not complied with the direction in the judgment.

LIST OF DATES

18.09.2020 : Annexure I Judgment was passed by this Honourable Court

04.01.2021 : Annexure AIV notice was issued by the counsel for the petitioners

GROUND S URGED

* The respondent had willfully disobeyed the direction of this Honourable court.The respondent willfully flouted and disobeyed the direction contained in Annexure –I judgment.

* Annexure I order was passed after hearing the respondent also. The respondent is duty bound to pass orders as directed by this court.

ACTS/STATUTES/DECISIONS RELIED UPON

- Contempt of Court Act,1971

Dated this the 24th day of January 2021

Counsel for the petitioners

Subject: Civil Contempt

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Kerala Private College Teachers' Association : Petitioners/ writ petitioners

Dr. Vishwas Mehta IAS : Respondent/ 1st respondent WP(c)

ARUN.B.VARGHESE {K/1451/02}[A – 733]

AISWARYA VS{K/001596/2018}

COUNSEL FOR THE PETITIONERS

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7	<u>Annexure III</u> : true copy of the letter dated 04.01.2021 send by the counsel for the petitioners to the respondent herein	
8	<u>Annexure IV</u> : True copy of the postal receipt and the acknowledgment card showing the acceptance of Annexure AIII	

Dated this the 24th day of January 2021

Counsel for the petitioners

APPENDIX

ANNEXURES OF THE PETITIONERS

Annexure I : Certified copy of judgment dated 18.09.2021 in

WP(C)No 13662/2020

Annexure II: True copy of the letter dated 25.09.2020 send

by the 1st petitioner before the respondent herein

Annexure III: true copy of the letter dated 04.01.2021 send by

the counsel for the petitioners to the respondent herein

Annexure IV: True copy of the postal receipt and the

acknowledgment card showing the acceptance of Annexure AIII

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