

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

TUESDAY, THE 6TH DAY OF FEBRUARY 2024 / 17TH MAGHA, 1945

CON.CASE(C) NO. 114 OF 2024

AGAINST THE JUDGMENT IN WP(C) 15396/2023 DATED 24.07.2023

PETITIONERS:

- 1 SANDHYA K.S., AGED 42 YEARS, BHARATHY BHAVAN,
BOSCO NAGAR PALLURUTHY, PIN - 682006
- 2 JOHN XAVIER, AGED 38 YEARS, PALLIPARAMBIL,
KADEBAGAM, PALLURUTHY, KOCHI, PIN - 682006

BY ADVS.
AADITHYAN S.MANNALI
V.N.SHASHIKALA
SANTHI K.PAI
M.P.JAYAKUMAR

RESPONDENTS:

- 1 V. CHELSA SINI, THE SECTRETARY, OFFICE OF CORPORATION
OF COCHIN, BOAT JETTY, PARK AVENUE ROAD, ERANAKULAM,
AGE AND (FATHERS NAME NOT KNOWN TO THE RESPONDENT),
PIN - 682011
- 2 J.MUHAMMAD SHAFI, THE ADDITIONAL SECRETARY, OFFICE OF
CORPORATION OF COCHIN, BOAT JETTY, PARK AVENUE ROAD,
ERNAKULAM (AGE AND FATHERS NAME NOT KNOWN TO THE
RESPONDENT),, PIN - 682011
- 3 M. ANIL KUMAR, THE CHAIRMAN, COCHIN CORPORATION
COUNCIL OFFICE OF CORPORATION OF COCHIN, BOAT JETTY,
PARK AVENUE ROAD, ERNAKULAM (AGE AND FATHERS NAME NOT
KNOWN TO THE RESPONDENT), PIN - 682011

BY ADVs
K B ARUNKUMAR

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 06.02.2024, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

When this matter was called today, learned Standing Counsel for the Corporation of Kochi – Sri.Arun Kumar, submitted that a Memo has been filed by his client producing therewith the order dated 18.12.2023, issued in full compliance of the directions of this Court. He, therefore, prayed that this Contempt Case be closed.

2. Sri.Sajan Mannali – learned counsel for the petitioners, however, submitted that, even a cursory glance through the order now issued by the Corporation would render it indubitable that the directions of this Court have been fully violated. He added that the said order is illegal and wrong because, it allows his clients to continue as the CLR Roll workers indefinitely, but without being given any opportunity of regularisation.

3. I have examined the new order issued by the Corporation, produced along with the Memo of their learned Standing Counsel. It certainly states that the contempt applicants will continue to be in service as CLR workers, until such time as the Corporation is able to settle the Seniority List, with the concurrence

of its council. It further says that, for this purpose, they have authorised the Additional Secretary of the Corporation and the Health Officer.

4. That said, going by the judgment in question, I had only directed the Corporation to consider the representation of the petitioners and no more. Obviously, therefore, if the petitioners have a case that the order now issued by the Corporation is illegal or unlawful, then it is for them to challenge it appropriately.

5. Sensing the mind of this Court as afore, Sri.Sajan Mannali submitted that his clients intend to challenge the new order; and prayed that all contentions for such be left open.

In the afore circumstances, this Contempt Case is closed, with full liberty being issued to the petitioners to challenge the order issued by the Corporation; for which purpose, all their contentions and remedies are left open.

Sd/-

RR

DEVAN RAMACHANDRAN
JUDGE

APPENDIX OF CON.CASE(C) 114/2024

PETITIONER ANNEXURES

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| Annexure A1 | A CERTIFIED COPY OF THE SAID JUDGMENT OF THE HON'BLE HIGH COURT OF KERALA IN WP© 15396/2023 DATED 24/07/2023 |
| Annexure A2 | THE TRUE COPY OF THE GOVERNMENT ORDER NO.14/82/IDR DATED 22/04/1982 UNDER WHICH THE SAID APPOINTMENTS WERE TO BE MADE |
| Annexure A3 | THE TRUE COPY OF THE RELEVANT PAGES OF THE SAID AGENDA OF THE 'COCHIN CORPORATION MUNICIPAL COUNCIL' BEARING NO.MOH3/16784/23, DATED 15TH DECEMBER 2023 |
| Annexure A4 | A TRUE COPY OF THE SAID GOVERNMENT ORDER SU(ORDINARY) NO.541/2023/LSGD, DATED 03/03/2023 |