

HON'BLE SRI JUSTICE R. KANTHA RAO

Contempt Case No.2070 of 2014

ORDER:

Heard Sri Vinjamuri Ranga Babu, learned counsel appearing for the petitioner and Sri B. Narayana Reddy, learned Assistant solicitor General, appearing for the respondents.

2. The petitioner joined as a constable in the respondent Organization in the year 1999. He was dismissed from service on the ground of unauthorised absence. Feeling aggrieved, he filed WP No.23637 of 2014, wherein he sought interim order to consider his representation dated 09.12.2013 and other representations made earlier, within a period of six weeks from the date of receipt of the said order. Thereafter, the petitioner filed the present contempt case on the ground that the interim order passed by this court has not been complied with by the respondents.

3. The respondents filed counter-affidavit *inter-alia* contending that there is no wilful negligence or default on the part of the respondents. It is further stated that the copy of the order was received on 27.09.2014 and as the case being more than 12 years old, the Unit made best efforts to track and trace out the record pertaining to the case, prepare and submit reply thereto as early as possible. It is further submitted that the Unit is presently deployed at Trehgam, Kupwara on Line of Control to extreme hard area of Jammu & Kashmir and during the month of September, 2014 while Kashmir valley remained submerged due to floods, all communications were cut off for about one month. In addition, the area of deployment of the Unit is highly militancy prone, where restrictions on movement are imposed regularly due to security reasons as well as due to frequent bandhs/protests by various parties. It is further submitted that the representation dated 09.12.2013 and other unsigned representations of the petitioner attached to the writ petition have now been examined, considered by the Competent Authority, keeping in view all facts and circumstances, rejected the same as being devoid of merit and grossly time barred under Rule 28-A of BSF Rules 1969.

4. Therefore, the contention of the respondents is that they never wilfully disobeyed the order of this court and they took appropriate steps after coming to know about the passing of the order and they disposed of the representation submitted by the petitioner on merits, by rejecting his claim, as it is barred under Rule 28-A of BSF Rules 1969. Learned counsel appearing for the petitioner submits that the respondents have passed the orders on the representation only after filing of the contempt case and therefore, they are guilty of contempt.

5. I am not in acceptance with the submission made by the learned counsel appearing for the petitioner, as the respondents gave sufficient reasons for the delay in disposing of the representation submitted by the petitioner. In the circumstances, there is compliance with the order by the respondents and therefore, this court is of the view that the respondents are not guilty of any contempt. If the rejection order is not in accordance with law, the petitioner can agitate the said issue in a separate writ petition filed by him.

6. The contempt case is accordingly closed. No order as to costs. The miscellaneous petitions pending, if any, in this contempt case, shall stand closed.

R. KANTHA RAO, J

Date: 04.11.2015

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