

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CONTEMPT CASE No.2125 of 2015

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18.12.2015

Between:

Katari Lukaiah and another
...Petitioners

And

The Regional Manager,
Andhra Pradesh State Road Transport Corporation
(APSRTC), Kadapa
...Respondent

Counsel for the petitioners: Mr.Challa Siva Sankar

Counsel for the respondent: Mr.Aravala Rama Rao,
standing counsel for the Andhra Pradesh State Road Transport Corporation (APSRTC)

The Court made the following:

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ORDER:

This contempt case is filed alleging willful disobedience of order, dated 28.08.2015, in W.P.No.27357 of 2015.

In compliance with the direction of this Court, the respondent is personally present today. Mr.Aravala Rama Rao, learned standing counsel for the Andhra Pradesh State Road Transport Corporation (APSRTC) appearing for the respondent, submitted that the copy of order, dated 28.08.2015, in W.P.No.27357 of 2015 was received by his client on 14.09.2015 and that due to certain administrative exigencies, order on the claim of the petitioners for appointing petitioner No.2 in place of petitioner No.1 could not be passed within the period of one month stipulated by this Court. He has further submitted that on 02.11.2015, the respondent has passed order and the same was served on the petitioners.

Mr.Ch.Siva Sankar, learned counsel for the petitioners, while admitting that his clients have received the order, dated 02.11.2015, passed by the respondent, however, submitted that the said order, whereby the respondent has rejected the claim of his clients, is patently contrary to the Circular No.PD-19/2015, dated 03.06.2015. He has further submitted that petitioner No.1 was allowed to retire on medical invalidation on finding that he was medically unfit and that therefore, as per the said Circular, his son - petitioner No.2 is entitled to be provided with employment in his place.

Mr.Aravala Rama Rao, learned standing counsel for APSRTC appearing for the respondent, submitted that as per Clause (2) of the aforesaid Circular, the employees who are found medically unfit at the level of Medical Board/Medical Committee and opt for retirement on medical grounds alone are eligible for seeking employment to their spouse or children, that petitioner No.1 has forced the Corporation to retire him on medical grounds by filing a writ petition and on the order

passed therein by this Court and that as the Medical Board or Medical Committee has not declared petitioner No.1 medically unfit, he is not entitled to seek employment to his spouse or children under the aforesaid Circular.

Since the scope of the contempt case is limited to examining whether the respondent has passed an appropriate order in terms of the aforesaid Circular within the stipulated time, this Court is not inclined to adjudicate on the validity or otherwise of the order, dated 02.11.2015, passed by the respondent. On the petitioners' own showing, the respondent has passed the said order as directed by this Court, albeit after expiry of the time prescribed by this Court. As regards non-adherence to the time limit stipulated by this Court, the learned standing counsel explained that due to certain reasons beyond the control of the respondent, he could not pass the order within the time stipulated. Hence, this Court is not inclined to take a serious view of the respondent passing the order a little beyond the time stipulated by this Court.

For the aforementioned reasons, as the respondent-contemnor has purged the contempt, the Contempt Case is closed, without prejudice to the right of the petitioners to question the validity or otherwise of the order, dated 02.11.2015, of the respondent, if they feel aggrieved thereby.

As a sequel to closure of the Contempt Case, Contempt Application No.1465 of 2015 filed by the petitioners for permission to file additional documents shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

18th December, 2015

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