

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

Contempt Case No.308 of 2015

Dated 24th July, 2015

Between:

M.Kasivisweswara Rao

...Petitioner

And

B.Udaya Lakshmi

...Respondent

Counsel for the petitioner: Sri K.Chidambaram

Counsel for the respondent: ----

The Court made the following:

ORDER:

This contempt case is filed alleging wilful disobedience of order, dated 06.02.2014, in WP.MP.No.15892 of 2013, in WP.No.12925 of 2013.

This Court by the above-mentioned order has directed the respondent and others to take further action for sanction of pension to the petitioner based on proceedings in Rc.No.2051/C1/2007, dated 23.04.2012, of the Regional Joint Director of Collegiate Education, Rajahmundry, East Godavari District. In due compliance with the said order, the Commissioner of Collegiate Education, Andhra Pradesh, Hyderabad has issued proceedings bearing Rc.No.629/Admn.1-1/2009, dated 27.09.2014, directing the Regional Joint Director of Collegiate Education, Rajahmundry to forward the provisional pension proposals of the petitioner for sanction of provisional pension. He has, however, issued another proceedings on the same day with the

direction to compute the period of service for provisional pension by removing the period from 09.03.2000 to 23.09.2010, during which, the petitioner has worked as Municipal Counsellor. This letter is termed as being in violation of the order, dated 06.02.2014, in WP.MP.No.15892 of 2013.

A perusal of the said order in WP.MP.No.15892 of 2013 shows that no specific direction was given by this Court with respect to the period that needs to be considered for computation of provisional pension. Therefore, if a part of the period is directed to be excluded for such computation, it cannot be said that such action constitutes contempt of the said order. Sri K.Chidambaram, learned counsel for the petitioner, submitted that his client has already filed a writ petition questioning the said proceedings, dated 27.09.2014, of the Commissioner of Collegiate Education, Andhra Pradesh, Hyderabad.

In the above facts and circumstances of the case, I feel that exclusion of certain period for computation of provisional pension is not in violation of the above-mentioned order of this Court. Hence, the contempt case is dismissed, however, without prejudice to the petitioner's right to pursue the writ petition filed by him against the proceedings, dated 27.09.2014.

As a sequel to dismissal of the contempt case, Application No.185 of 2015 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

24th July, 2015

VGB