

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
CONTEMPT CASE No.1971 of 2013

ORDER:

The order, violation of which is alleged in the present Contempt Case, is the order passed in W.P.No.25272 of 2011 dated 04.07.2013 whereby the respondent-contemnor was directed to consider the petitioner's application in accordance with law, and pass a reasoned order at the earliest, in any event not later than three months from the date of receipt of a copy of the order.

The order of this Court dated 04.07.2013, which was received by the respondent-contemnor on 18.07.2013 necessitated compliance on or before 17.10.2013. An order was passed by the Principal Secretary to the Government only on 21.05.2014. No application was filed by the respondent-contemnor seeking extension of time. On the jurisdiction of this Court being invoked, the Contempt Case was admitted and a notice in Form-I was issued. It is for the first time, by way of a counter-affidavit, has it been stated that the respondent-contemnor lacks the power to pass orders on the petitioner's application, and a decision in this regard could only have been taken by the Government based on the recommendations of the District Level Committee and the State Level Committee. An additional counter-affidavit was filed by the respondent-contemnor on 24.06.2015 stating that he lacked the power to pass the order; and, in compliance with the order of this Court, he had recommended the matter to the Committee on 28.11.2013.

Sri M.R.S.Srinivas, learned counsel for the respondent-contemnor, would fairly state that, while the recommendation made by the respondent-contemnor on 28.11.2013 is also beyond the three month period stipulated by this Court, the delay is just over a month; in the affidavit dated 24.06.2015 the respondent-contemnor has admitted his lapse, and has tendered his apology; he has also stated

that he has since retired from service on 31.07.2014; and as the mistake on the part of the respondent-contemnor, in not bringing these facts to the notice of the Court, is *bona fide*, and as he has tendered his apology, this Court should show indulgence and not punish him under the Contempt of Courts Act, 1971 (for brevity, 'the Act').

The respondent-contemnor was required to bring these facts to the notice of this Court. His failure to do so, and in not complying with the directions of this Court within the time stipulated in the order, is evidently in violation of the order of this Court. This Court cannot, however, ignore the fact that the respondent-contemnor lacked jurisdiction to pass the order; he had submitted his recommendations to the District Level Committee on 28.11.2013; and he has since retired from service. I see no reason, therefore, to proceed and take action against the respondent-contemnor under the Act, more so as it is brought to my notice by Sri T.G.Prasad Reddy, learned counsel for the petitioner, that against the order passed by the Government dated 21.05.2014, the petitioner has already invoked the jurisdiction of this Court by filing W.P.No.5501 of 2015.

The Contempt Case is, accordingly, closed. The miscellaneous petitions pending, if any, shall also stand closed. There shall be no order as to costs.

RAMESH RANGANATHAN, J

26th June, 2015.

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