

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

-

CONTEMPT CASE No.358 of 2015

ORDER:

The learned Special Government Pleader has drawn my attention to the orders passed by the State Government contained in their communication dated 07.04.2015 passed by the Revenue (Assn.II) Department of the Government of Telangana, rejecting to consider the claims of the dependants of the petitioner for employment on the ground that providing employment after 23 years after the custodial death will open up Pandora's box. They have also rejected the claim for selling away the unproductive land which is assigned to the petitioner due to the custodial death of her husband on the ground that there is no provision under the rules to enable the Government to accord such permission.

Learned counsel for the petitioner Sri Ponnam Ashok Goud would characterize this order as an act of selective discrimination. He places reliance upon two specific government orders contained in G.O.Ms.No.1117 Revenue (Assn.I) Department dated 11.11.1993 and G.O.Ms.No.307 Revenue (Assn.I) Department dated 06.06.2013, granting necessary permission for alienation of the assigned land in favour of ex-servicemen. Sri Ponnam Ashok Goud would also contend that the petitioner has been purposefully denied the benefit of alienation of the assigned land, as she filed not only the writ petition, but also the present contempt case.

Be that as it may. In a contempt of Court action, this Court will not be able to pronounce, on merits the correctness or otherwise of an order passed by the Government on 07.04.2015. If, such an order is not in accordance with law, it is for the petitioner to take appropriate steps to challenge the validity and tenability of such an order. The jurisdiction to be exercised by the High Court in Contempt of Court Act, though it is a Court of record and consequently, Article 215 of the Indian Constitution enables the High Court to initiate any such action, but nonetheless, it is a well recognized principle of law that Contempt of Court jurisdiction is more in the nature of quasi criminal action and therefore, it is an extremely limited jurisdiction. In view of this, preserving liberty to the petitioner to pursue the legal remedy available for calling in question the tenability and sustainability of the decision taken by the State Government on 07.04.2015, this contempt case is closed.

I, only hope that if the petitioner can persuade the Government, it might show necessary compassion for reconsidering it's decision.

Accordingly, the contempt case stands closed. Consequently, miscellaneous applications pending if any, shall also stand closed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

09.10.2015
sp