

HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.1122 of 2014

Date: 19.06.2015

Between:

Dr. T.K.Srinivasulu, S/o. late T.S.Kesavulu, Aged about 65 years, Occu: C.M.O. (Retired) & Convener, National Child Labor Project Society NGO's Association, Karimnagar District, r/o.H.No.10-2-91/87, Flat No.202, Sai Mithra Orneta Apartments, Street No.7, West Maredpally, Secunderabad.

.. Petitioner

AND

Smt Gauri Kumari, Secretary to Government, Ministry of Labour, Government of India, Room No.112, Shram Shakthi Bhavan, Rafi Marg, New Delhi and others.

.. Respondents

The Court made the following:

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ORDER:

This Court by order dated 02.04.2015 passed the following interim orders in W.P.No.16474 of 2013:

“Having regard to the submissions made by the petitioner appearing in person and in view of the assertion made in the counter affidavit by 6th respondent, the first respondent is directed to consider request of the 6th respondent in his letter dated 20.3.2012 to release funds to pay the dues towards mid-day meals in special schools for the period from October, 2009 to July, 2010 and release the funds within a period of four weeks from the date of receipt of copy of this order. If first respondent is of the opinion that the said amounts are already released or that the claim of the petitioner is not valid, he shall assign due reasons and communicate the same to the petitioner within four weeks thereafter.”

2. Alleging that the said order is not complied with, this contempt case is filed.

3. In the earlier affidavits filed by the 1st respondent, there was no clarity on the stand of 1st respondent regarding release of amounts due and payable to petitioner. The respondents 2 and 3 have asserted that the amount was not released by the Government of India. Having regard to said stand of respondents 2 and 3, the Secretary to the Government of India, Ministry of Labour was directed to appear. When matter was taken up for further consideration on 05.06.2015, as learned Assistant Solicitor General of India

represented that 1st respondent is not the concerned person and concerned Department was not made a party, the appearance of 1st respondent was dispensed with and matter was adjourned at the request of party-in-person to take steps to implead concerned Department as respondent.

4. Heard the petitioner appearing in person and learned Additional Solicitor General of India, for the 1st respondent. Learned Additional Solicitor General of India submits that as already informed to the petitioner in the letter dated 18.07.2014, the required money was already released and there was sufficient money available with the National Child Labour Project, Karimnagar, and there was no money due to be released by the Government of India for the relevant period. Learned Additional Solicitor General points out that as on 01.04.2009 there was huge unspent balance and by April, 2010, there was a minus balance which was subsequently adjusted and in fact by April, 2011, Rs.6,03,235/- was not spent by the society. This is also clear from the clarification issued by the Ministry of Labour in their letter dated 21.05.2015. The Ministry released the amounts from time to time. It was also clarified as to how the amount was utilized. There was no amount due to be released to the Project Society during the relevant period concerning the interim order passed by this Court. The Ministry is concerned only to release the amounts periodically as per the requirements and allocations made and it is for the society to utilize the said funds properly. If the amounts are not properly utilized, the Project Society has to answer. He, therefore, submits that there was no violation of the orders of this Court by the 1st respondent.

5. As seen from the order, the period for which amount was directed to be released was between October, 2009 and July, 2010. The documents referred to above i.e., 18.7.2014 and 21.05.2015 disclose that the requisite funds were made available by the Government of

India during the period. Though the stand of the Project Society was that still some amount was to be released, but the correspondence of the Government of India referred to above would disclose that no amount was due to be released for the subject period. Thus, it cannot be said that the first respondent has violated the orders passed by this Court and, therefore, there is no contempt committed by the first respondent and contempt case is accordingly closed. If the petitioner has grievance with reference to non-payment of amount to be paid, it is open to the petitioner to work out his remedies in accordance with law.

Miscellaneous petitions if any pending in this contempt case shall stand closed.

JUSTICE P.NAVEEN RAO

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