

THE HON'BLE SRI JUSTICE R. KANTHA RAO

CONTEMPT CASE No.310 OF 2015

ORDER:

Heard learned counsel appearing for the petitioners as well as learned counsel for the respondent.

The petitioners filed WP.No.31084 of 2014 to issue a direction to the respondents to extend the benefit of Government orders issued in G.O.Ms.No.101, Finance (Pension-I) Department, dated 06.04.2010 and G.O.Ms.No.51, Finance (Pension-I) Department, dated 01.04.2011, to the petitioners from the date of issuance of G.Os prospectively, and to pass appropriate orders. It is further prayed in the writ petition to direct the 1st respondent to consider and pass appropriate orders on the representation dated 29.09.2014 for implementation of G.O.Ms.No.101, Finance (Pension-I) Department, dated 06.04.2010 and G.O.Ms.No.51, Finance (Pension-I) Department, dated 01.04.2011, from the date of G.Os prospectively.

This Court on 17.10.2014 passed interim direction which is as follows;

“There shall be interim direction to the 1st respondent to consider the representation dated 29.09.2014 made by the petitioners and dispose of their claim in accordance with rules, within a period of two months from the date of receipt of a copy of this order.”

Basing on the aforesaid interim direction, the representation dated 29.09.2014 submitted by the petitioners was considered and rejected by the 1st respondent on the ground that they are not entitled for the benefit of G.O.Ms.No.51. Aggrieved by the same, petitioners filed the present Contempt Case to punish the respondent on the ground that the respondent deliberately violated the interim orders dated 17.10.2014 passed by this Court.

Respondent filed counter contending inter alia that though the SETWIN is fully funded by the State of Telangana, the G.Os issued by the Government are not

directly applicable to it and they will be made applicable only in the event of the Managing Committee adopts the G.Os basing upon its financial resources and commitments. It is specifically mentioned in the counter that the resolutions of the Managing Committee are only prospective in operation and they cannot be made applicable retrospectively. It is also submitted that the petitioners who retired from the service on the date of adoption of the G.Os by the Managing Committee of SETWIN and approved by the Government, they were paid the enhanced gratuity of 2.50 lakhs and all those petitioners who retired from service much prior to the date of adoption of the G.Os by the Managing Committee of SETWIN and approved by the Government are not entitled for the benefits accrued there on since the resolution is implemented with prospective effect only but not with retrospective effect.

It is also specifically contended that G.O.Ms.No.101, Finance (Pension-I) Department, dated 06.04.2010 and G.O.Ms.No.51, Finance (Pension-I) Department, dated 14.04.2011 enhancing the maximum limit of retirement gratuity from Rs.3.50 lakhs to Rs.7 lakhs and from Rs.7 lakhs to Rs.8 lakhs, retrospectively are not applicable to SETWIN, since the same are not adopted by the SETWIN management so far and the Government has also not granted any permission for the same.

This Court while dealing with the Contempt Case is not expected to go into the correctness of the order passed by the respondent. The question whether the petitioners are entitled for the benefit of G.O.Ms.No.101 and 51 has to be decided in the writ petition. The interim direction is only to consider the representation submitted by the petitioners in accordance with rules. The respondent passed an order rejecting the representation on the ground that the aforesaid G.Os are not applicable to the petitioners. As this Court is not supposed to go to the correctness of the order while dealing with the contempt case cannot make the respondent liable for punishment under the Contempt of Courts Act.

For the foregoing reasons, this Court is of the considered view that the respondent is not guilty of any contempt of the order passed by this Court. Therefore, the Contempt Case is closed. No order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending in the appeal shall stand closed.

R. KANTHA RAO, J

09.11.2015

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