

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

CONTEMPT CASE Nos.649 and 951 OF 2015

COMMON ORDER :

These Contempt Cases are filed alleging violation of the common order dated 09.09.2014 passed by this court in WP.No.25505 and 25486 of 2014, wherein this Court held as follows;

“the impugned order dated 22.07.2014 passed by the 2nd respondent is hereby set aside. Since it is stated that the petitioners have already filed explanation to the impugned order dated 22.07.2014, the 2nd respondent is directed to consider the same and pass final orders after giving an opportunity of hearing the petitioners. Till then, the petitioners shall be continued as fair price shop dealers. However, this order will not preclude the competent authority from taking action if petitioners commit any violation of Control Order.”

The case of the petitioners is that though this court directed the 2nd respondent to supply essential commodities to the petitioners' fair price shop, the respondents supplied stocks to the petitioners only for the month of December 2014. From January, 2015 onwards the respondents did not allow the petitioners to continue as Fair Price shop dealer and the 2nd respondent also forced the petitioners to apply leave for three months. It is also stated that the second respondent forcefully took the petitioners to one Dr.G.Sambasiva Rao at Vinukonda and obtained medical certificate as if the petitioners are sick and that they have also obtained the petitioners' signature on the leave application, forcefully. It is further stated that without sanctioning leave to the petitioners they have started supplying stocks to a follower of local

M.L.A. Aggrieved by the action of the respondents in obtaining signatures of the petitioners on the leave application, forcefully and in not allowing the petitioners to run the fair price shop as per the orders dated 09.09.2014, passed by this Court in WP.No.25505 of 2014, present Contempt Case is filed.

The 2nd respondent filed counter affidavit stating that after passing of common order dated 09.09.2014 by this Court in WP.No.25505 and 25486 of 2014 along with WP.No.25483 of 2014, the 1st respondent-Revenue Divisional Officer, issued proceedings dated 31.10.2014 directing the 2nd respondent herein-Tahsildar, to allot the essential commodities to the petitioners with effect from November, 2014 and report compliance; that thereafter, the petitioners filed DDs for lifting of Essential Commodities after 20.11.2014 and the 2nd respondent supplied the commodities to the petitioners for the month of December, 2014; that the petitioners submitted an application dated 26.12.2014 stating that their health condition was not good and requested for grant of leave for three months from 26.12.2014 to 25.03.2015, along with medical certificate and that the Dy.Tahsildar, Vinukonda, enquired into the matter and recommended to consider the leave applications of the petitioners and to make alternative arrangements for distribution of essential commodities to the cardholders, in his report dated 26.12.2014; that thereafter, the 2nd respondent made alternative arrangements entrusting the fair price shop to Mahila Group in order to distribute the commodities to the cardholders and reported the matter to the 1st respondent vide letter dated 27.12.2014. The 2nd respondent denied the allegation made by the petitioners that they have forced the petitioners to apply leave for three months. It is admitted that the petitioners

have approached the 2nd respondent with a representation on 18.03.2015 along with fitness certificate, stating that they are recovered from illness and further requested to allot essential commodities to them. The respondents never pressurized the petitioners nor obtained their signatures under coercion. The 1st respondent has issued orders dated 08.06.2015 dropping the charges (final orders) against the petitioners and since then the petitioners are distributing the commodities after drawing the stock from the respondent. Finally, he sought for dismissal of Contempt Case.

The petitioners filed reply affidavit denying the averments in the counter affidavit and also once again reiterating the contents in the affidavit filed in support of the Contempt Case stating that they were pressurised to apply for leave and they also categorically stated that the 2nd respondent prepared the leave application and obtained their signature on the same. It is also stated that they have not received any sanction of leave from the respondents. It is further stated that though they approached the respondents in the last week of March, 2015 for allotment of essential commodities to their fair price shop from April, 2015, the respondents have not supplied the stocks to the petitioners and also asked the petitioners to approach the M.L.A for necessary orders, and that after filing of Contempt Case the respondents have supplied stocks of Kerosene only for the month of June, 2015. It is also stated that the respondents obtained similar leave applications from other fair price shop dealers also.

Heard learned counsel for the petitioners and learned Government Pleader for Civil Supplies.

In this case, the admitted fact is that in pursuance to the orders passed by this Court on 09.09.2014, the respondents have resumed supplies to the petitioners' fair price shop in the month of December, 2014. Thereafter, the 2nd respondent stopped supplies to the petitioners on the ground that the petitioners have applied leave for three months. But, there are no orders sanctioning the leave on the leave applications made by the petitioners. Nowhere, in the counter affidavit it is stated that the leave applied by the petitioners was sanctioned. Learned Government Pleader produced only leave applications and also recommendation made by the Deputy Tahsildar. It shows that the allegation made by the petitioners that stocks were not supplied to them from January, 2015, is true. Be that as it may. If the leave is for three months, atleast the 2nd respondent would have restored the supplies after submission of application along with fitness certificate by the petitioners on 18.3.2015, wherein the petitioners requested the respondents to resume stocks. But, the 2nd respondent had the audacity to deny the supplies to the petitioners. Further, there is no explanation by the 2nd respondent why the stocks were not supplied to the petitioner from March, 2015. This shows the attitude of the 2nd respondent towards the orders of this Court. The 2nd respondent is only watching the scene till 08.06.2015 on which the 1st respondent passed final orders. Even in the month of June, 2015 also the 2nd respondent supplied only Kerosene.

In the counter affidavit the 2nd respondent states that they have respect to the orders of this Court and seeks unconditional apology. In the present case I find that there is deliberate violation

of the orders passed by this Court and that the 2nd respondent invented a story that petitioners applied leave. As long as competent authority sanctions leave, 2nd respondent cannot stop supplies to the petitioners. But, in this case, without sanction of any leave, respondents stopped supplies to the petitioners from the month of January, 2015 and also failed to restore supplies to the petitioners from the month of March, 2015, even though the petitioners made a representation along with fitness certificate requesting to resume supplies. This shows the utter disregard of the 2nd respondent towards the orders of this Court which is nothing but wilful violation of the orders passed by this Court. The apology expressed by the 2nd respondent is only sham and is only to escape from the orders in the Contempt Case. As such this Court is of the view that the 2nd respondent deliberately violated the orders passed by this Court and liable to be convicted and sentenced to imprisonment under Section 12 of Contempt of Courts Act, 1971.

In view of the above, the 2nd respondent is sentenced for simple imprisonment of three (3) months. The subsistence allowance is fixed at Rs.200/- per day to be borne by the petitioners under Rule 32(3) of the Contempt of Court Rules, 1980.

As regards respondent No.1, since the 1st respondent issued proceedings dated 31.10.2014 directing the 2nd respondent to allot commodities to the petitioners with effect from November, 2014 and report compliance, I find that there is no violation committed by the 1st respondent in complying with the orders dated 09.09.2014, passed by this Court. As such, the Contempt

Case is dismissed against 1st respondent.

The Registrar (Judicial) shall take necessary steps for execution of this Judgment under rules 31 and 33 of the Contempt of Courts Rules, 1980.

The contempt cases are accordingly allowed against R2.

After the order was pronounced, learned Government Pleader for Civil Supplies (A.P.) has requested for suspension of the order to enable the 2nd respondent to avail the remedy of appeal.

Having regard to this request, the order is suspended for a period of four weeks from today.

A.RAJASHEKER REDDY, J

17.07.2015
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