

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

AND

THE HON'BLE DR JUSTICE B. SIVA SANKARA RAO

CONTEMPT CASE NO. 1657 of 2014

ORDER: *(per Hon'ble Justice Nooty Ramamohana Rao)*

Heard the party-in-person.

This contempt case is initiated by him complaining that the respondent-Principal Secretary to Government in the Irrigation & Command Area Development Department has violated the order passed by us on 05.01.2011 in WVMP.No.3 of 2011 in W.P.No.30547 of 2010.

The Government of Andhra Pradesh in the company of its other officials has instituted W.P.No.30547 of 2010 challenging the correctness of the orders passed by the Andhra Pradesh Administrative Tribunal in O.A.No.4042 of 2006 on 21.01.2010. Entertaining the said writ petition, this Court granted interim suspension of the operation of the judgment rendered by the Andhra Pradesh Administrative Tribunal, the petitioner at that stage was working as Deputy Executive Engineer. He apprehended that, by virtue of the suspension granted by this Court in W.P.No.30547 of 2010, his status might get interfered with. Hence, he moved WVMP.No.3 of 2011. To put at rest any such apprehensions of the writ petitioner herein, we have modified the interim suspension order granted earlier and set out that the vacate stay petitioners status existing as Deputy Executive Engineer shall be continued. Now, the grievance of the petitioner is that, all his benefits including monetary benefits and seniority have been restored, but however, his case was

not considered for further promotions whereas, his juniors cases have been taken up for consideration and they were also accorded necessary promotions.

We are afraid that, the apprehension of the writ petitioner that only because of the order passed by us, his case for promotion has not been considered, cannot give him any cause of action for suing the respondents for Contempt of Court action. As is too well known, Contempt of Court action is a quasi criminal proceeding. For deliberate and willful violation of an order passed by this Court, Contempt of Court action can be initiated against the offender. But, in the instant case, if the respondent is continuing the status of the writ petitioner as a Deputy Executive Engineer, that would be in compliance with the orders passed by this Court, rather than acting contrary thereto. In those set of circumstances, we do not find any justifiable reason to entertain this contempt case. Hence, we dismiss this contempt case.

For the aforesaid reason, we preserve liberty to the petitioner to seek such remedy as is considered appropriate by them for securing consideration of his case for further promotions on par with his juniors.

Accordingly, the contempt case stands dismissed.

Consequently, miscellaneous applications pending shall also stand dismissed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

DR JUSTICE B. SIVA SANKARA RAO

23rd January, 2015
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