

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND
THE HON'BLE MRS. JUSTICE ANIS
CONTEMPT CASE No. 494 OF 2014

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

This Contempt Case is instituted for punishing the respondents herein for having deliberately and purposefully violated and disobeyed the order dated 01.10.2013 passed by this Court in Writ Appeal No. 1151 of 2012.

Heard Sri M. Surender Rao, learned Senior Counsel on behalf of the learned counsel for the petitioners and Sri G. Vidya Sagar, learned Senior Counsel on behalf of the learned Standing Counsel for the respondents.

Writ Appeal No. 1151 of 2012 was dealt along with several other cases and it stood disposed of on the same terms which were spelt out by this Court in the judgment rendered on 17.09.2013 in Writ Appeal No. 1104 of 2011. It is urged that initially, an Appeal has been preferred against the judgment rendered by this Court in Writ Appeal No. 1104 of 2011, but however, the said Special Leave Petition has been withdrawn seeking leave to move a Review Application in the Writ Appeal. It is stated that accordingly, Review W.A.M.P.No. 3641 of 2013 and batch have been moved in Writ Appeal No. 1104 of 2011 and batch of cases. They were dismissed by a Division Bench of this Court on 22.04.2015, on merits. Against the orders of dismissing the Review Applications on 22.04.2015, the matter once again has been carried to the Supreme Court by preferring S.L.P.Nos. 13858 and 13859 of 2015 which were entertained by the Supreme Court on 11.05.2015 and while issuing notice thereon, the *status quo qua* petitioners as it exists on 11.05.2015 was ordered to be maintained, as an interim measure. Though the said Special Leave Petitions were also considered once again on 11.09.2015 by the Supreme Court, but however, the matters stood adjourned for filing counter and rejoinders.

The present complaint in this case is that in the face of the

judgment rendered by the High Court in Writ Appeal No. 1104 of 2011 and in spite of dismissal of the Review Applications on 22.04.2015, the respondents have acted contrary thereto, particularly, in according promotion to as many as 111 persons through the proceedings issued by the Southern Power Distribution Company Limited of Telangana in SPOORT No. 806, dated 19.10.2015. This, according to the petitioners, amounts to grossest disobedience of the directions contained in the judgment rendered by this Court in Writ Appeal No. 1104 of 2011, whereas, Sri Vidya Sagar, learned Senior Counsel appearing for the respondents would point out that out of five petitioners available in this case, petitioners 1 to 3 stood allocated to the Southern Power Distribution Company Limited of Telangana, while petitioners 4 and 5 stood allocated to the Southern Power Distribution Company Limited of Andhra Pradesh. Thus, the case of petitioners 4 and 5 could not have been taken up for consideration by the respondents in this Contempt Case after their allocation to a different State. Insofar as the remaining three petitioners are concerned, the learned Senior Counsel Sri Vidya Sagar would point out that their names were also included in the proceedings, dated 19.10.2015 at Sl.Nos. 43, 50 and 53. It is also further contended by Sri Vidya Sagar that when several vacancies have arisen in the higher category and in the exigencies of the service, the Corporation was required to fill them up as the services, which are liable to be rendered by the Southern Power Distribution Company are public services and since the Corporation cannot afford to have its services impaired for want of adequate technical manpower, the Corporation has no other choice except to undertake the exercise of promotions. Even while doing so, the Corporation is thoroughly conscious of its obligations and therefore, it has entered necessary caveats while issuing the said orders of promotion. Once the three petitioners with whom the Corporation can deal with have already been accorded promotion, they cannot nurture any further grievance with regard to the promotions

undertaken for the others. According to the learned Senior Counsel, the contempt jurisdiction of this Court cannot be converted into *pro bono publico* litigation.

We are in agreement with the contention canvassed by the learned Senior Counsel on behalf of the respondents. Once the cases of the three petitioners are dealt with by the Corporation and they were accorded promotion, there does not exist any further cause of action for them to litigate. May be, as Sri Surender Rao tried to explain that at the time when the petitioners initiated these proceedings, they may not have earned such a promotion. In other words, at the time when they initiated this contempt of Court action, there does not appear to be a real concrete platform available to them to initiate any such proceedings. If one can say that a cause of action has arisen, it could have arisen only on 19.10.2015. If the claims of petitioners 1 to 3 herein have been ignored, perhaps, the petitioners would be justified in asking us to initiate proceedings under the Contempt of Courts Act, 1971 against the respondents. But when once the Corporation has considered their cases and also promoted them, no further cause of action becomes available to them to initiate contempt of Court action against the respondents.

Therefore, we are of the opinion that there is no subsisting cause of action available to the petitioners for them to initiate the present proceedings and hence, the Contempt Case is dismissed.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

ANIS, J

28th October 2015

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