

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE TENTH DAY OF APRIL
TWO THOUSAND AND FOURTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR
AND

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

CONTEMPT CASE Nos.2005 and 2025 of 2014

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CC.No.2005 of 2014:

BETWEEN

K. Tirumala Devi and another.

...PETITIONERS

AND

Sri Pradeep Kumar, Divisional Railway Manager, South Central Railway,
Vijayawada Division, Krishna District and another.

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...RESPONDENTS
CC.No.2025 of 2014:

BETWEEN

M.V.K. Mohan Rao.

...PETITIONERS

AND

Sri Pradeep Kumar, Divisional Railway Manager, South Central Railway,
Vijayawada Division, Krishna District and another.

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...RESPONDENTS

Counsel for the Petitioners: DR. P.B. VIJAYA KUMAR

Counsel for the Respondents: MR. P. BHASKAR

The Court made the following order:

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COMMON ORDER: (Per Hon'ble Sri Justice Vilas V. Afzulpurkar)

These contempt cases are filed alleging disobedience of the orders of this Court dated 14.11.2012 passed in C.C.Nos.962 and 973 of 2011, which were filed against disobedience of the orders of this Court dated 20.04.2011 in WPMP.No.13656 of 2011 in WP.No.11136 of 2011 and WPMP.No.13893 of 2011 in WP.No.11334 of 2011 and that the respondents have taken recruitment of Junior Loco Inspector/Chief Loco Inspector.

2. We have heard the learned counsel for the petitioners and the learned standing counsel for the respondents.

3. A detailed counter affidavit is filed on behalf of the respondents. Though the learned counsel for the petitioners seeks time for filing reply, in our view, no reply affidavit is necessary in view of the averments in the counter affidavit, which support the case of the petitioners, as discussed below.

4. By order dated 20.04.2011, this Court granted interim direction as prayed for by the petitioners. The interim direction, sought for by the petitioners, was as follows:

“... the High Court may be pleased to direct the Respondents 1 to 5 to consider the petitioners for appointment as Junior Loco Inspector/Chief Loco Inspector based on their performance in the selections conducted by the Railway Administration in pursuance to the Notification dated 02-05-2008 in the existing vacancies ...”

5. Counter affidavit, filed by the respondents, states that there are 27 vacancies out of which 23 vacancies are already filled up and

4 vacancies are kept reserved pending the decision of this Court in WP.No.9396 of 2011. To the extent of petitioners in the writ petitions and these contempt cases, it is stated that each petitioner would at best be entitled to one vacancy each and as such, their interest having been protected, there subsists no grievance.

6. With regard to the contention of the petitioners that their seniority would be affected by not considering them and not appointing them along with others, is also stated to be incorrect, as it is specifically stated in para 7 of the counter affidavit that the notification itself makes it clear that selection and seniority position would be subject to the outcome of the writ petition. Hence, if the petitioners succeed in the writ petitions, they will get back their due seniority and the seniority among all the appointees would be accordingly fixed. Therefore, we do not see any prejudice to the petitioners either from the point of view of protecting the seniority or from the point of view of consideration of their case in the unfilled four vacancies left out. Obviously, the interim direction and the scope of these contempt cases is with respect to existing vacancies as on the date of notification. Hence, the said direction cannot be understood as to apply for all times to come for all future vacancies.

7. Learned counsel for the petitioners also submits that the action of the respondents is contrary to the undertaking given to this Court in earlier contempt cases.

8. As is discussed above, even now the four vacancies are not filled up and the petitioners are no way affected by filling up of other vacancies. The interim direction and the direction in the earlier contempt cases cannot be understood, as if no future vacancy is to be filled for all times to come. We, therefore, do not see any reason to entertain the contempt cases any further.

The contempt cases are accordingly dismissed.

The miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

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VILAS V. AFZULPURKAR, J
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S. RAVI KUMAR, J

April 10, 2015
DSK