

HON'BLE SRI JUSTICE R. KANTHA RAO

C.C.No.2241 of 2014

ORDER:

This contempt case is filed complaining wilful disobedience on the part of the respondents in implementing the orders passed by this Court in WP No.28660 of 2014, dated 23.09.2014.

Aggrieved by the action of the 3rd respondent in imposing the punishment of removal from service vide order dated 20.09.2014, the petitioner filed W.P.No.28660 of 2014.

Initially, the petitioner was appointed as Conductor in the respondent-Corporation in 1999. The petitioner is also member of APSRTC United Workers Union, Razole, whose presence is more in East Godavari, West Godavari and Visakhapatnam Districts. On account of number of activities, recently, he became the President of the APSRTC United Workers Union, Razole Branch. On the ground that the petitioner is indulging in anti management activities and provoking the students by distributing pamphlets among the staff, he was suspended *vide* order dated 29.03.2014. Challenging the same, the petitioner filed W.P.No.12456 of 2014 and this Court *vide* order dated 28.04.2014 suspended the order of suspension dated 29.03.2014. However, the respondent-Corporation was given liberty to proceed with the enquiry against the petitioner. Subsequently, the Corporation appointed an Enquiry Officer and the Enquiry Officer without affording any opportunity to the petitioner, concluded the enquiry holding that the petitioner is guilty of the charges.

Thereafter, based on the report of the Enquiry Officer, the petitioner was removed from service on 20.09.2014. Aggrieved by the order of removal, the petitioner filed W.P.No.28660 of 2014. In the said writ petition, this Court suspended the removal order. This contempt case is filed alleging that the respondent-Corporation failed to allot duties to the petitioner and also to pay the salary till date, which is nothing but flouting the orders passed by this Court.

Learned Standing Counsel appearing for the respondent-Corporation submits that against the orders passed by this Court, within the time stipulated, they preferred an appeal and after filing the contempt case, they withdrew the same. He further submits that the petitioner was reinstated into service on 13.4.2015 and posted at Eleswaram.

Learned counsel appearing for the petitioner submits that pursuant to the order passed by this Court, the petitioner was reinstated into service, but he was not posted in the same place where he previously worked.

After hearing the rival contentions, this Court is of the view that the substantial order passed by this Court has been complied with by the respondent-Corporation and the grievance put forth by the petitioner at this stage is beyond the jurisdiction of this Court under Contempt of Courts Act, 1971.

Learned Standing Counsel appearing for the respondent-Corporation placed before this Court copy of the proceedings dated 21.09.2015 whereunder the petitioner was posted to Ravulapem depot. He undertakes that if the petitioner reports to duty at Ravulapalem depot, he would be admitted to duties.

Accordingly, the Contempt Case is closed.

JUSTICE R. KANTHA RAO

30th September, 2015

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