HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CONTEMPT CASE No. 1434 of 2012

Date: 24.02.2015

Between:

P. Madanna & others.

... Petitioners

And

Sri A.K. Khan,
The Andhra Pradesh State Transport Corporation Limited,
Rep., by its Vice Chairman & Managing Director,
Hyderabad & another.

... Respondents

This Court made the following:

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CONTEMPT CASE No. 1434 of 2012

ORDER:

This contempt case was instituted alleging willful disobedience to the interim order dated 27.08.2012 passed by this Court in W.P.No.21306 of 2012.

However, on 15.10.2012 this Court vacated the earlier interim order taking note of the submission made by the learned Standing Counsel for the Andhra Pradesh State Road Transport Corporation (APSRTC) that it was reviewing its policy of continuing with traffic guides. This Court specifically observed that APSRTC could not be directed to continue with such traffic guides in its service notwithstanding the change of policy.

It is further stated by the learned counsel for the APSRTC that the interim order was not extended beyond 03.09.2012 and therefore, the petitioners were not continued in service after the said date.

While so, Sri S.M. Subhan, learned counsel for the petitioners, states that the averment made before this Court that the APSRTC was reviewing its policy as regards continuance of traffic guides was factually incorrect and that an attempt was made thereby to interfere with the administration of justice.

This allegation is serious in nature and, if established, would amount to criminal contempt as defined in Section 2(c) of the Contempt of Courts Act, 1971 (for short, "the Act"). However, necessary pleadings to support this allegation are not made out in the present contempt case.

Taking into account the totality of the above stated circumstances, this Court is of the opinion that no willful disobedience to the interim order dated 27.08.2012 passed by this Court in W.P.No.21306 of 2012 is established warranting exercise of contempt jurisdiction under Sections 10 to 12 of the Act. However, it is left open to the petitioners to pursue their remedies in accordance with law as regards their allegation that the respondents had committed criminal contempt.

Before parting with this case, this Court is constrained to note that in spite of the order dated 28.03.2014 directing that respondent No.2 shall remain present, he was absent on the subsequent dates of hearing viz., 29.04.2014, 06.06.2014, 13.06.2014, 27.06.2014, 08.08.2014, 22.08.2014, 26.09.2014, 18.10.2014, 14.11.2014, 19.12.2014 and again today. This lax attitude on the part of the authorities of the APSRTC and no less than its Regional Managers requires to be decried in the strongest possible terms. Such lassitude on their part would, in fact, amount to committing contempt in itself. However, taking note of the fact that Sri A. Rama Rao, the present Standing counsel, pleads ignorance of the order of this Court and the consequential failure of the 2nd respondent on the earlier dates of hearing, this Court does not wish to pursue the matter further as against the 2nd respondent.

The contempt case shall therefore stand closed notwithstanding the recalcitrant attitude of the 2nd respondent. Office is directed to mark a copy of this order to the Chairman and Managing Director, APSRTC. No order as to costs.

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SANJAY KUMAR, J

Date: 24.02.2015
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