

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CONTEMPT CASE NO. 578 OF 2015

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ORDER:

This contempt case is filed complaining that the order passed by this Court on 02.06.2014 in W.P.No.14798 of 2014 has been deliberately and purposefully violated by the respondents. The first respondent herein is the Regional Joint Director of Intermediate Education at Kadapa, while the second respondent is the Principal of Government Junior College, Adoni where the petitioner is stated to be working.

Entertaining W.P.No.14798 of 2014 this Court passed an interlocutory order directing the respondents to consider the petitioner's representation, the last one being on 07.03.2014 and pass appropriate orders thereon, within four weeks from the date of receipt of the said order. It appears, the petitioner sought for certain financial benefits to be accorded to him for certain period when he was placed under suspension. Complaining that those benefits have not been accorded, the present contempt case is filed.

I, gather that the petitioner herein was initially working as a Junior Lecturer in Economics in S.R.K. Junior College, an Aided Educational Institution at Kadapa. Since the said institution has been closed down, the petitioner was shifted to another aided institution known as Sri Ramakrishna Junior College (Aided), Kadapa. There, he was again identified as a surplus candidate. Hence, in the year 2005, he has been deputed for a period of one year to the Social Welfare Residential Educational Institution Society. While he was thus working as a Zonal Officer, Zone-V, with the Andhra Pradesh Residential Educational Institution, Warangal, he was trapped by the Anti Corruption Bureau for having demanded and accepted an illegal gratification of Rs.20,000/- from one Janga Nagaraju, the complainant. The petitioner was arrested and produced before the learned Principal Special Judge for SPE and ACB cases, Hyderabad on 21.01.2009, who remanded him to judicial custody upto 02.02.2009 and subsequently, he was enlarged. In view of his arrest by the Anti Corruption Bureau, the petitioner was kept under suspension. The benevolent government passed orders subsequently revoking the suspension perhaps, because the petitioner has demanded and accepted only a

sum of Rs.20,000/- as bribe. Hence, the petitioner is now claiming the differential amount for the period he was kept under suspension.

In the meantime, the Commissioner of Collegiate Education, Hyderabad, passed orders on 17.06.2014 pursuant to the interlocutory order passed by this Court in W.P.No.14798 of 2014 on 02.06.2014. The operative portion of the order passed on 17.06.2014 made it clear that without finalization of the criminal case booked against the petitioner, it is not feasible to regularize the period of suspension and hence, his request for granting the benefits is not feasible. According to the petitioner, this order passed by the Commissioner of Intermediate Education is contemptuous.

To say the least, this petition is a clear abuse of the process of this Court. The petitioner has been placed under suspension because of his arrest and detention by the Anti Corruption Bureau, who trapped him while demanding and accepting illegal gratification of Rs.20,000/- at Warangal. The criminal case was already booked against him. Therefore, the Commissioner of Intermediate Education is right in pointing out that unless the petitioner is acquitted cleanly on merits by the Criminal Court, it would not be possible for the period of the suspension as liable to be treated as period spent on duty. I, have therefore, no hesitation whatsoever to dismiss this contempt case, but however, taking a compassionate view, I refrain from imposing costs on the petitioner.

With this, the present contempt case is dismissed. No costs.

Consequently, miscellaneous applications pending shall also stand dismissed.

JUSTICE NOOTY RAMAMOHANA RAO

02.04.2015

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