

THE HON'BLE SRI JUSTICE R.KANTHA RAO

CONTEMPT CASE No.1702 of 2014

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ORDER:

This contempt case is filed under Sections 10-12 of Contempt of Courts Act to punish the respondents as per the provisions of Contempt of Courts Act for willful disobedience and violating the orders dated 23.01.2012 passed by this Court in W.P.No.1331 of 2012.

Heard the learned counsel appearing for the petitioner and the learned Counsel appearing for the respondents.

The petitioner filed W.P.No.1331 of 2012 seeking a direction to allow the petitioner to discharge his duties in the office of the 6th respondent. The learned single Judge of this Court directed the respondents to allow the petitioner to discharge his duties in the office of the 6th respondent.

In Contempt Case No.133 of 2012 filed by the petitioner, the learned single Judge of this Court directed the respondents to transfer the petitioner to some other division immediately. In consequence thereof, the petitioner was transferred by the Superintending Engineer, Operation, Hyderabad North by order, dated 15.02.2012 to Green Land Division at Hyderabad.

According to the respondents, the petitioner joined duty on 17.02.2012 and he is continuing in service as Line Inspector till date. Subsequently, the learned single Judge in C.C.No.133 of 2012 in W.P.No.1331 of 2012 passed the common order, dated 10.06.2013 to the following effect:

"Since the main grievance of the petitioner in the writ petition and the contempt case do not survive, no further orders are required in the writ

petition and the contempt case. It is left open to the petitioner to challenge the action of the respondents, if any, by which he is aggrieved. Subject to the observations made supra, the writ petition is disposed of and the contempt case is closed.”

It is specifically contended by the respondents in the counter-affidavit that the respondents have been regularly paying the salary to the petitioner in respect of the duties performed by him in the cadre of Line Inspector till date, leave and increments were also granted. It is further submitted by the respondents that payment of leave salary, granting of special grade increment and re-fixing of his pay in the cadre of Line Inspector are under process.

If it is the case of the petitioner that he was not paid the salary for the period he worked, by virtue of the common order passed by the learned single Judge in C.C.No.133 of 2012 and W.P.No.1331 of 2012, the petitioner has to file a fresh writ petition in that regard and he cannot ventilate the said grievance through the contempt case.

Learned counsel appearing for the petitioner submits that in respect of the said relief, he filed writ petition and the same is pending.

Under the aforesaid circumstances, the contempt case is dismissed as not maintainable.

R.KANTHA RAO,J

Date:07.09.2015

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