

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CONTEMPT CASE No.16 of 2016

ORDER:

This contempt case is filed for punishing the respondents for deliberately not obeying the award passed in W.P.No.2910 of 2010 dated 06.02.2015.

Heard Sri Venkateswarlu, learned counsel for the petitioner and Sri Ranjan, learned counsel deputising for Sri B.Mayur Reddy, learned Standing Counsel for APSRTC.

The petitioner, who was engaged as a driver, but disengaged subsequently, has filed the writ petition No.2910 of 2010. That writ petition was referred to Lok Adalat as both parties have shown inclination for settling the matter amicably. Accordingly, when the matter went before the Lok Adalat, an award was passed by Lok Adalat on 12.11.2014 recording that the Management of APSRTC agreed to reinstate the petitioner into service without any back wages and without any attendant benefits such as increments, promotion, bonus etc., subject to medical fitness. Hence, W.P.No.2910 of 2010 was disposed of in terms of the said order.

Now the complaint is that the petitioner has not been re-engaged as driver. Thus, the respondents are guilty of violating the order passed by this Court in W.P.No.2910 of 2010. Whereas Sri Ranjan, learned counsel would submit that the undertaking furnished by the Corporation was to re-engage the petitioner subject to his medical fitness. When he has been subjected to medical fitness this time around, the hospital at Tarnaka found the petitioner unfit for A-category due to Hemiplegia. Once the petitioner was found to be unfit for A-category and the service of a person can be engaged as driver only if he possesses the requisite standard of medical fitness, the action of the Corporation in not re-engaging the writ petitioner cannot be considered as contemptuous act. Hence, the respondent or its

officials cannot be penalised. However, it shall be open to the petitioner herein to workout his remedies in accordance with law.

Accordingly, the contempt case is dismissed.

Consequently, miscellaneous petitions, if any shall stand dismissed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

26.02.2016
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