

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

Contempt Case No.915 of 2016

Dated 17th June, 2016

Between:

Paidi Govinda Rao

...Petitioner

And

Sri S.P.Tucker and others

...Respondents

Counsel for the petitioner: Sri P.Lakshmana Rao

Counsel for the respondents: GP for Services (AP)

The Court made the following:

ORDER: (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This contempt case is filed alleging wilful disobedience of order, dated 07.04.2016, in W.P.No.11477 of 2016.

We have heard Sri P.Lakshmana Rao, learned counsel for the petitioner, and the learned Government Pleader for Services (AP).

The petitioner herein filed the above-mentioned writ petition feeling aggrieved by non-granting of interim order by the A.P.Administrative Tribunal in O.A.No.878 of 2016. The said OA was filed by the petitioner raising a dispute relating to his allocation consequent on the bifurcation of erstwhile State of Andhra Pradesh. Following the earlier orders, this Court has disposed of the said writ petition with the direction to the Tribunal to pass a reasoned order on

the interim relief claimed by the petitioner. This Court also directed that the petitioner shall not be relieved from the office he was holding till passing of a fresh order on the interlocutory relief claimed by him.

In the present contempt case, the petitioner pleaded that though he was made to superannuate on attaining the age of 58 years in the year 2014, had he been allocated to the State of Andhra Pradesh, as per his entitlement, he would have been continued in service.

In our opinion, this contempt case is wholly misconceived. This Court while disposing of the writ petition directed the respondents not to relieve the petitioner on the premise that he was in service as the fact of his retirement in 2014 itself was not brought to the notice of this Court either by the petitioner or by the learned Government Pleader. Thus, the said direction was an obvious mistake which the petitioner cannot be permitted to capitalise on. Since the petitioner was out of service by the time the writ petition was disposed of, the question of the respondents relieving him from the post would not arise.

For the above-mentioned reasons, the contempt case is wholly merit less and the same is accordingly dismissed.

C.V.NAGARJUNA REDDY, J

M.S.K.JAISWAL, J

17th June, 2016
VGB