

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CONTEMPT CASE No.937 OF 2014

ORDER:

This Contempt Case is filed under Sections 10 to 12 of Contempt of Courts Act, 1971 to punish the respondents for violating the order, dated 24.12.2013, in W.P.No.6782 of 2004 of this Court.

2. W.P.No.6782 of 2004 was disposed of on 24.12.2013 and the operative portion of the order reads as under:

“Accordingly, this Writ Petition is disposed of directing the respondent-Corporation to consider the case of the petitioner for promotion on par with his juniors in Greater Hyderabad Zone treating his seniority continuously in Greater Hyderabad Zone right from the time of bifurcation.”

3. Learned counsel for the petitioner submitted that after filing of this Contempt Case, the respondent Corporation promoted the petitioner to the post of Senior Assistant (P) *vide* order, dated 4.2.2015, and later, to the post of Deputy Superintendent (P) *vide* order, dated 6.7.2016, but not on par with his juniors, who were promoted in the year 2013; that there is violation and willful disobedience of the order passed by this Court in the above writ petition and hence, prays to punish the respondents.

4. Learned Standing Counsel appearing for the respondent Corporation submitted that the Corporation has passed order in accordance with the order passed by this Court in W.P.No.6782 of 2004; that the Corporation preferred W.A.No.1173 of 2014

challenging the order, dated 24.12.2013, in W.P.No.6782 of 2004 and the Corporation also filed W.A.M.P.No.2844 of 2014 for suspension of operation of the order in W.P.No.6782 of 2004 and the Division Bench of this Court *vide* order, dated 15.9.2014, passed the following order:

“We are not inclined to suspend the operation of the order passed in the W.P. However, any arrangements that are made as a result of the implementation of the order of the learned single judge shall be subject to the outcome of the Writ Appeal.”

5. Learned counsel for the petitioner submitted that while admitting the writ appeal, the Division Bench of this Court refused to suspend the operation of the order in the writ petition and hence, it is the bounden duty of the respondent Corporation to pass orders in accordance with the order passed in the writ petition.

6. Learned Standing Counsel for the respondent Corporation submitted that if the respondent Corporation succeeds in the writ appeal, the salary and benefits paid to the petitioner cannot be recovered from him and it will be a hurdle to the Corporation and if the petitioner succeeds in the writ appeal, he is always entitled for the salary and benefits as per the judgment in the writ appeal.

7. In reply, learned counsel for the petitioner submitted that if such is the apprehension of the respondent Corporation, the petitioner is ready to take the difference of salary for the period from 19.8.2013 to 6.7.2016 after disposal of the writ appeal.

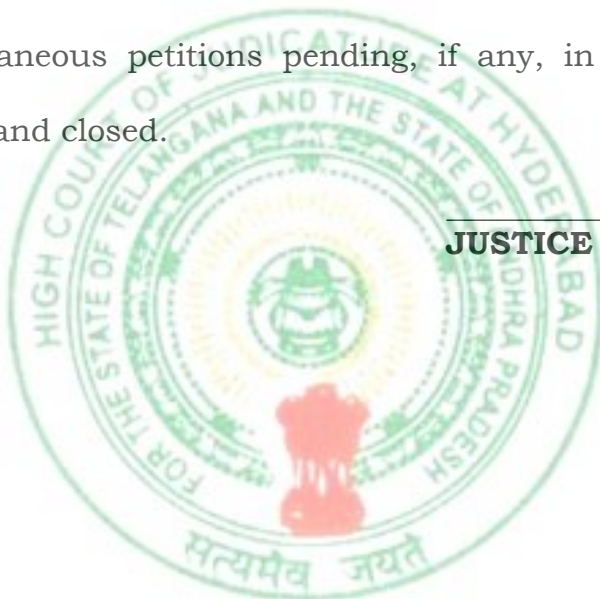
8. Considering the submission of the learned counsel for the petitioner, this Contempt Case is closed with the following observation:

The respondent Corporation is directed to pass an order promoting the petitioner herein from 19.8.2013, but withholding the difference of salary for the period up to 6.7.2016. Further, it is clarified that if the petitioner succeeds in the writ appeal, he is entitled for the difference of salary i.e., for the period from 19.8.2013 to 6.7.2016. There shall be no order as to costs.

9. Miscellaneous petitions pending, if any, in this Contempt Case shall stand closed.

20.9.2016
AMD

JUSTICE RAJA ELANGO



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Date: 20.9.2016

AMD