

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
HON'BLE SRI JUSTICE CHALLA KODANDA RAM

Contempt Case No. 1924 of 2015

ORDER: (per the Hon'ble The Acting Chief Justice Ramesh Ranganathan))

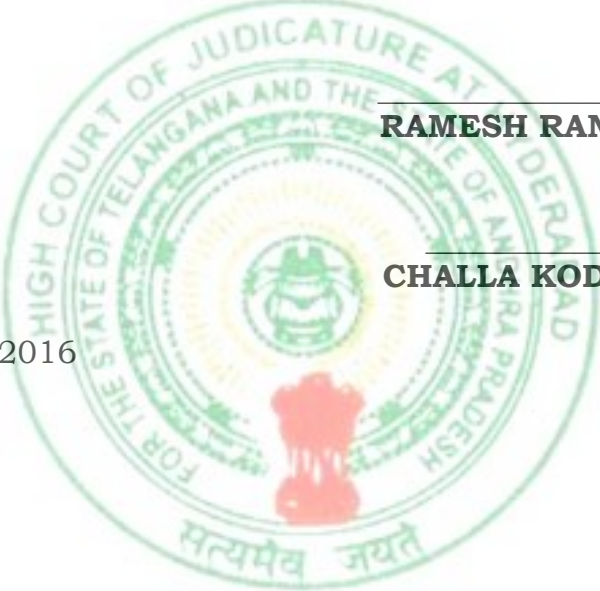
The order, violation of which is alleged in the contempt case, is the order passed by this Court in Writ Appeal No. 404 of 2006 dated 6.11.2014, whereby, while affirming the order passed in the writ petition, the Division Bench clarified that, since the respondents (writ petitioners) do not hold the same qualification as the persons regularized in the year 1998, they deserve to be treated as juniors to them. However, in the affidavit filed in support of the contempt case, it is stated that the petitioners were placed below one Syed Basheer Hussain, who was not appointed as a Junior Plant Attendant in the year 1998; and, as such, the action of the respondents is in violation of the order passed by this Court.

In the counter affidavit, filed on behalf of the respondents, it is stated that Sri Syed Basheer Hussain, who possessed the qualification of 10th with ITI, was appointed as a Mazdoor in the scheme of absorption of contract labour during 1998, due to non-availability of Junior Plant Attendant posts; he was, subsequently, absorbed as a Junior Plant Attendant during the year 1999 with the date of his appointment as 6.12.1996; he was the last person in the seniority list of Junior Plant Attendants absorbed under the scheme of absorption of contract labour; the High Court had held that, since the petitioners did not possess the same qualification as possessed by others, i.e. 10th class, ITI, they deserved to be treated as juniors to them; as per the request of employees, including the undertaking given by the petitioners for according promotions during 2010, a seniority list was prepared placing the petitioners below Sri Syed Basheer Hussain, whose date of commencement of probation was 6.12.1996; he was the last person in the cadre of Junior Plant Attendants absorbed from contract labour with

the qualification 10th/ITI; and the same was intimated to the petitioners by proceedings dated 4.2.2015 and 31.3.2015.

It is evident, from the counter affidavit filed by respondents that appointment of Syed Basheer Hussain as Junior Plant Attendant by the A.P. Genco is not pursuant to the order passed by the Division Bench, but was prior thereto. The appointment of Sri Syed Basheer Hussain, as a Junior Plant Attendant, cannot, therefore, be said to be in violation of the order passed in the writ appeal.

We see no reason, therefore, to proceed against the respondents under the Contempt of Courts Act. The contempt case is, accordingly, closed. No order as to costs.



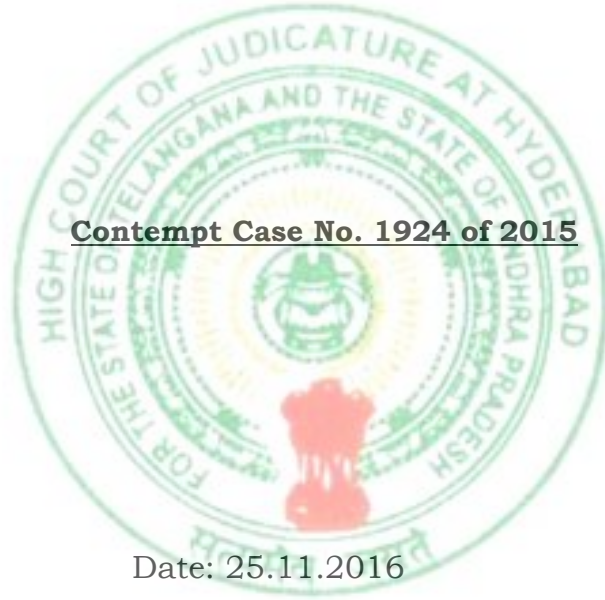
RAMESH RANGANATHAN, ACJ

CHALLA KODANDA RAM, J

25th September, 2016

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HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
HON'BLE SRI JUSTICE CHALLA KODANDA RAM



Contempt Case No. 1924 of 2015

Date: 25.11.2016

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