

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No. 2158 OF 2013

ORDER:

Complaining wilful disobedience on the part of the respondent of the order dated 12.09.2012 in Writ Petition No. 15274 of 2009, this Contempt Case has been taken out.

By its order dated 12.09.2012, this Court disposed of the Writ Petition, the operative portion of which reads as under:

“ In this view of the matter, the respondents are obligated to consider the case of the writ petitioners only from the stand point of view to get satisfied that the petitioners' cases fall within the sweep of the policy decision announced through G.O.Ms.No. 212 F&Plg. (PC.III) Department, dated 22.04.1994. The same cannot be rejected only on the ground that the Management of the College has paid for their wages. It is well to remember that, so long as the services of the petitioners are not admitted to grant-in-aid, no financial commitment can be fastened on to the State Government towards payment of their salary and allowances. Till such time such an obligation arises on the part of the State Government, it remains to be the bounden duty of the management of the college to pay for the wages of the petitioners. Hence, rejecting the case of the petitioners only on the ground set out in the impugned memo is unsustainable, and hence, the impugned memo is set-aside. Matter is remitted to the State Government so as to enable it to take an informed decision for regularization of the services of the writ petitioners. Let this exercise be completed within a maximum period of four months from the date of this order and the decision taken thereon be communicated to the petitioners.”

To substantiate their case, the petitioners place reliance on the order dated 26.07.2013 passed by the Commissioner of Collegiate Education, to substantiate his case, which is as follows:

“..... After careful examination of the matter and to comply the orders of the Hon’ble High Court as at para (3) above, it is observed that the petitioners do not satisfied the provisions contained in G.O.Ms.No. 212 Finance Department, dated 22.04.1994 and also they were not in service of the government and regularisation of their services in public service would be travesty of law and facts. Hence, the petitioners prayer for regularization of service is not feasible of acceptance as per the above said G.O. Accordingly, the prayer of the petitioners i.e. Sri Ramanujaya and 3 others non-teaching un-aided staff, Sri Y.N College, Narsapur, West Godavari District in Writ Petition No. 15274 of 2009 and orders of High Court dated 12.09.2012 is hereby rejected by the government.”

A perusal of the order passed in the Writ Petition clearly makes one to understand that the matter had been remitted to the government so as to enable it to take an informed decision for regularization of the services of the writ petitioners. The government, on a careful examination of the matter, rejected the cases of the petitioners. This itself shows that the order complained of in the Writ Petition stood compiled with. Hence, nothing survives for adjudication in this Contempt Case.

The Contempt Case is accordingly closed, however, leaving liberty to the petitioners, if they are aggrieved, to question the order dated 26.07.2013.

Consequently, the miscellaneous applications, if any shall also stand closed.

CHALLA KODANDA RAM, J

27th September 2016

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