

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice G.Shyam Prasad

Contempt Case No.1754 of 2006

Date: 13.10.2016

Between:

Rama Krishna Nelli

... Petitioner

and

Shri Bhanu Pratap Sharma and another

...Respondents

Counsel for the Petitioner: Mr.J.Sudheer

The Court made the following:



Order: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Contempt Case is filed alleging willful disobedience of Order, dated 30-06-2016, in WP.No.21232 of 2016, by the respondents.

We have heard Mr.J.Sudheer, learned Counsel for the petitioner, and perused the record.

The petitioner, an IPS Officer included in Group A service, approached the Central Administrative Tribunal at Hyderabad (for brevity 'the Tribunal') with the grievance that the Union of India has not been scrupulously following Paragraph 7 of the Central Staffing Scheme formulated by it besides the recommendations made in the 7th Pay Commission. By Order, dated 24-06-2016, the Tribunal directed respondent No.2 to consider the petitioner's representation, dated 10-05-2016, and pass appropriate order within four weeks. Not satisfied with the said direction, the petitioner filed WP.No.21232 of 2016. This Court, while declining to intervene at the interlocutory stage of the case pending before the Tribunal, disposed of the Writ Petition by directing respondent No.2 to keep in view Paragraph 7 of the

Central Staffing Scheme and also the observations made by the 7th Pay Commission while considering the representation of the petitioner as directed by the Tribunal.

The petitioner pleaded that in spite of the aforementioned direction issued by this Court, respondent No.2 has passed Order, dated 29-08-2016, wherein he has drawn his own conclusions on the interpretation of Paragraph 7 of the Central Staffing Scheme and also the observations made by the Hon'ble Chairman of the 7th Pay Commission ignoring the observations of this Court. The petitioner also found fault with respondent No.2 in making allegedly incorrect statement about his ineligibility for being considered for empanelment at Joint Secretary Level.

On a careful consideration of the order passed by respondent No.2, we are of the opinion that the various conclusions drawn by the said respondent are based on his understanding of the Central Staffing Scheme and also the observations contained in the recommendations of the 7th Pay Commission. As this Court has not recorded its conclusive opinion either on the Central Staffing Scheme or the 7th Pay Commission Report, we are unable to accept the

submission of Mr.J.Sudheer, learned Counsel for the petitioner, that the conclusions drawn in Order, dated 29-08-2016, by respondent No.2 run contrary to the order passed by this Court and that therefore, they constitute contempt.

As regards the finding of respondent No.2 that the petitioner is not eligible for Joint Secretary Level empanelment, the learned Counsel sought to convince us that the petitioner is already working in senior administrative grade with a pay band of Rs.37400-67000/- and that therefore, respondent No.2 has deliberately made a false statement to deny empanelment of the petitioner.

In our opinion, this aspect does not fall within the scope of the contempt proceedings. This Court has not rendered any finding on the afore-mentioned aspect. Therefore, any finding recorded by respondent No.2 touching the said aspect does not constitute contempt. If the petitioner has been unduly denied empanelment on false or incorrect statement of fact made in Order, dated 29-08-2016, by respondent No.2, the appropriate remedy for him is to

agitate the same before the Tribunal in which his Original Application is pending.

Subject to the liberty given to the petitioner as above,
the Contempt Case is dismissed.

(C.V.Nagarjuna Reddy, J)

(G.Shyam Prasad, J)

Dt: 13th October, 2016
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