

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CONTEMPT CASE No.2103 of 2013

ORDER:

This Contempt Case is filed alleging non-implementation of the order dt.03-04-2013 in W.P.M.P.No.21784 of 2012 in W.P.No.16978 of 2012.

2. The said Writ Petition was filed by the Writ Petitioner challenging proceedings dt.12-04-2012 and memo dt.04-04-2012 of the 2nd respondent rejecting the claim of petitioner for absorption into aided post.

2. On 03-04-2013, this Court held that the order passed on 04-04-2012 passed by the Director of Collegiate Education, Government of Andhra Pradesh through Memo No.271/CE.II-1/2012-2 is unsustainable and the respondents were directed to reconsider the proposals submitted by the Secretary and Correspondent of Hindu College, Guntur on 01-10-2003 and pass appropriate orders within two months from that day and communicate their decision to the petitioner.

3. Alleging non-implementation of the said order, this Contempt Case has been filed.

4. Today, learned Government Pleader for Education appearing for respondent Nos.1 to 3 has produced proceedings in Memo No.2751/CE.A2/2016 dt.30-11-2016 stating that petitioner had not

worked in the said post or College continuously and that he had rendered services at his convenience. It is also observed that there is considerable gap in his service for about 4 years from 01-08-2009 to 09-06-2013 and therefore his request for absorption/regularization against an aided post, cannot be accepted.

5. It is no doubt true that there is delay in implementing the interim order passed by this Court. Learned Government Pleader for Education, however, states that similar matter was pending in the Supreme Court of India in Civil Appeal Nos.4232-4236 of 2016 and it was decided only on 19-04-2016 and this occasioned delay in consideration of petitioner's case. Copy of the said order has also been placed before me.

6. Therefore, I am not inclined to hold that there is any unreasonable delay in considering the case of petitioner pursuant to the interim order granted by this Court in W.P.M.P.No.21784 of 2012 in W.P.No.16978 of 2012 and since the said order has been complied with, the Contempt Case is closed granting liberty to petitioner to challenge the order in Memo 2751/CE.A2/2016 dt.30-11-2016 by way of appropriate proceeding. No costs.

7. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 02-12-2016

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