

HON'BLE SRI JUSTICE R.KANTHA RAO
C.C.No.145 of 2016

ORDER

Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for the respondent-College.

This contempt case is filed complaining willful disobedience on the part of the respondents in implementing the orders passed by this Court in WVMP No.2146 of 2014 in WP No.19355 of 2014, dated 03.12.2015.

The petitioner was appointed as Lecturer in Physical Education Department in the respondent-College *vide* proceedings dated 8.7.2006. After three years of initial appointment, his services were regularized and he has been continuing as such. While so, 2nd respondent *vide* proceedings dated 3.7.2014 terminated the services of the petitioner by giving one month's notice. Aggrieved thereby, the petitioner filed W.P.No.19355 of 2014. This Court *vide* order dated 11.7.2014 suspended the termination order dated 3.7.2014. Thereafter, the respondent-College filed W.V.M.P.No.2146 of 2014 seeking to vacate the interim suspension granted on 11.7.2014. This

Court *vide* order dated 3.12.2015 dismissed the vacate stay petition. In spite of the same, the petitioner was not reinstated into service. Hence, the present contempt case has been preferred.

This Court elaborately heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondent. Even after dismissal of the vacate stay petition filed by the respondents, the respondents have not reinstated the petitioner into service.

Taking into consideration all the contentions now raised and at the time of hearing of the vacate stay petition, this Court came to the conclusion that the termination order passed by the respondent-College is illegal and the respondents are required to reinstate the petitioner into service.

Now, learned Standing Counsel appearing for the respondent-College submits that the respondents filed appeal and the same is coming up for hearing within a day or two.

Obviously, there is no stay granted by the Division Bench in the appeal. Therefore, the respondents cannot escape the contempt proceedings on the mere ground that the appeal is pending.

Even after filing of the contempt case, the

respondents have neither expressed their willingness to implement the order passed by this Court nor regretted for non implementation of the same. Moreover, they have been trying to justify their action for non-implementation of the orders on false grounds. Therefore, this Court is of the considered view that there is wilful and deliberate disobedience on the part of the respondents in not implementing the order of this Court and they are liable for punishment under the provisions of the Contempt of Courts Act, 1971.

Having regard to the conduct exhibited by the respondents in deliberately and wilfully not complying with the orders passed by this court and sticking on to their stand for non-implementation of the order and justifying the same on false grounds, this Court is of the view that no lenient view can be taken in respect of the punishment.

In the result, the contempt case is allowed and the respondents are sentenced to undergo simple imprisonment for a term of three (3) months and to pay fine of Rs.1,000/- (one thousand only) each for non implementation of the orders of this Court dated 03.12.2015 in WPMP No.2146 of 2014 in

WP No.19355 of 2014.

Miscellaneous applications, if any, in this contempt case, shall stand closed. No order as to costs.

The Registrar (Judicial) shall take necessary steps for execution of this order under Rules 31 and 33 of the Contempt of Court Rules, 1980.

Learned standing counsel for the respondents submits that the respondents intend to file an appeal. Therefore, the order passed in the contempt case is suspended for a period of fifteen (15) days so as to enable the respondents to prefer an appeal.

JUSTICE R.KANTHA RAO

11th April, 2016
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