

HON'BLE SRI JUSTICE R.KANTHA RAO
C.C.No.908 of 2015

ORDER

Heard learned counsel appearing for the petitioner and learned Advocate General appearing for the respondent.

This contempt case is filed complaining willful disobedience on the part of the respondents in implementing the orders passed by this Court in WP No.27351 of 2014, dated 16.09.2014.

The petitioner was appointed as Assistant Manager in the respondent-Corporation *vide* proceedings dated 4.3.2013. Subsequently, he was posted as Divisional Manager, Warangal. While so, the respondent-Corporation terminated the petitioner from service *vide* proceedings dated 20.08.2013. Assailing the said order, the petitioner filed W.P.No.6503 of 2014 before this Court and the same was allowed directing the respondent-Corporation to reinstate him into service within four weeks; to provide him all consequential benefits like pay, allowances etc., within next two months from the date of

reinstatement; and the order passed in the writ petition does not preclude the competent authority from taking fresh decision in the matter of instituting a departmental enquiry. Feeling aggrieved, the respondent-Corporation preferred appeal being W.A.No.920 of 2014 and Division Bench of this Court while disposing of the same held that the petitioner shall be deemed to be under suspension from the date of termination; from then onwards he shall be paid 50% of the emoluments; if the respondent-Corporation intends to initiate penal proceedings against him, the Corporation shall appoint an Enquiry Officer and conclude the proceedings within a period of six weeks from the date of order. Pursuant thereto, the respondent-Corporation vide proceedings dated 24.6.2014 placed the petitioner under suspension, thereafter vide proceedings dated 5.9.2014 terminated him from service. Challenging the same, the petitioner preferred W.P.No.27351 of 2014 before this court. This Court by proceedings dated 5.9.2014 suspended the impugned proceedings. But, the

respondent-Corporation, once again through proceedings dated 17.10.2014 placed him under suspension and vide proceedings dated 20.03.2015 terminated him from service.

Learned Standing Counsel appearing for the petitioner submits that though the termination order is suspended by this Court, the respondent-Corporation instead of continuing the petitioner in service, issued fresh order of termination. He further submits that the respondent-Corporation has been resorting to terminate the petitioner on one ground or the other and it deliberately and willfully violated the orders passed by this Court.

Learned Advocate General appearing for the respondent-Corporation would submit that after passing of the order by this Court, the respondent-Corporation rescinded the same, but, initiated fresh enquiry by appointing an Enquiry Officer as per the orders of the Division Bench in W.A.No.920 of 2014; concluded the same; placed him under suspension and thereafter, terminated him from service and therefore, it cannot be said that the

respondent-Corporation has violated the order passed by this Court.

As can be seen from the material available on record, it is obvious that pursuant to the order of the Division Bench, the respondent-Corporation rescinded the order of termination by placing the petitioner under suspension, issued show cause notice to the petitioner, for which, he submitted his explanation. The respondent-Corporation appointed Enquiry Officer, who in turn, submitted his report. Thereafter, the respondent-Corporation terminated him from service duly paying him one month wages in lieu of one month notice. Further, pursuant to the interim order passed by this Court in W.P.No.27351 of 2014, the respondent-Corporation rescinded the termination order dated 5.9.2014 by placing him under suspension. Again, the respondent-Corporation based on the report of the Enquiry Officer, reply given by the petitioner to show cause notice and further remarks of the Enquiry Officer, passed the termination order dated 20.3.2015. Moreover the petitioner participated in the

enquiry proceedings. Hence, this Court is of the view that there is no willful disobedience on the part of the respondent-Corporation.

Accordingly, the Contempt Case is closed.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE R.KANTHA RAO

29th March, 2016
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