

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON'BLE MRS. JUSTICE ANIS

Contempt Case No.594 of 2016

ORDER: (*per Hon'ble Sri Justice V. Ramasubramanian*)

This contempt case is filed by the writ petitioner, alleging willful disobedience of an interim order passed by this court on 14.07.2015, pending a writ petition seeking appointment on compassionate grounds.

2. Heard Sri Ravi Kondaveeti, learned counsel for the petitioner.

3. The order of which the contempt is complained, reads as follows:

“There shall be interim direction to the respondents to consider the case of the petitioner for compassionate appointment in accordance with law.”

4. Admittedly, the Superintending Engineer has passed an order dated 14.08.2015 in pursuance of the aforesaid order of this court considering the claim of the petitioner in accordance with law, but rejecting it. The rejection was on the ground that the petitioner was over aged and that the question of relaxation of age did not arise.

5. Contending that in a similar case, relaxation of upper age limit had been granted and that non-consideration of the claim after relaxation of the upper age limit would tantamount to contempt, the petitioner has come up with the above contempt case.

6. It is needless to say that the contempt would arise only when there is willful disobedience. The only direction issued by way of interim direction by this court is to consider the claim in accordance with law. The moment an order is passed rejecting the claim, the question of willful disobedience would not arise irrespective of whether

that order is right or wrong.

7. Therefore, the contempt case is dismissed. Post the writ petition for final disposal next week. It is open to the petitioner either to seek amendment of the prayer in the light of the latest order or come up with a fresh writ petition, after withdrawal of the present writ petition. Pending miscellaneous applications if any, in this case shall stand closed.

V.RAMASUBRAMANIAN, J

ANIS, J

Date: 17.06.2016
BSS

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(per Hon'ble Sri Justice V.Ramasubramanian)

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Date: 17.06.2016

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