

**THE HON'BLE SRI JUSTICE R. KANTHA RAO**

**CONTEMPT CASE No. 2326 of 2015**

**ORDER:-**

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Heard P. Gangaiah Naidu, learned counsel for the petitioners, and Ms. K. Udaya Sri, learned counsel for the respondents.

2. Petitioners filed W.P.No.28686 of 2004 questioning the action of the respondents in threatening to discontinue the services of petitioner Nos.1 to 5 as Sub-station Operators and petitioner No.6 as a Watchman on the ground that there would be change of Contractors and with a view to engage their own men. They sought a direction to continue petitioner Nos.1 to 5 as Sub-Station Operators and Petitioner No.6 as a Watchman without reference to the change of Contractors.

3. On 17.09.2014, this Court while issuing notice before admission ordered *status quo* as on that day to be maintained until further orders.

4. Alleging that the respondents are not continuing the petitioners in their respective posts, in spite of the said order the petitioners have filed Contempt Case No.1575 of 2014. This Court by order dated 17.07.2015 allowed the said contempt case on merits and sentenced the respondents therein to undergo simple imprisonment for a

period of three months and to pay a fine of Rs.1,000/- each. Aggrieved thereby, the respondents filed appeal viz., C.A.No.11 of 2015 before the Division Bench, which was disposed of by order dated 18.08.2015. In the said Contempt Appeal the Division Bench held that the appellants shall approve the appointments of K.Sreenivasulu, K.Mysura Reddy and P.Eshwaraiah. Basing on the submissions made by the learned counsel on either side, the Division Bench however set aside the order dated 17.07.2015 passed by this Court in CC.No.1574 of 2014. The Division Bench also directed the respondents to pay Rs.10,000/- each to the petitioners within a period of 15 days. Accordingly, the respondents paid the amount to the petitioners. The Division Bench however specifically stated that in view of the approval that will be granted in pursuance of that order, if any rights are accrued to the workmen, it is open for them to take appropriate remedy for appropriate relief.

5. Apart from other contentions, learned counsel for the respondents mainly submitted that in view of the order passed by the Division Bench in the appeal, if the petitioners are of the view that their services have to be continued even after the contract period, they have to work out their remedies by way of separate proceedings. According to the respondents, the contract period of the petitioners was over and therefore it is not obligatory on the part of the respondents to continue the petitioners

after the expiry of the contract.

6. Having regard to the submissions made by both the learned counsel, I am in agreement with the learned senior counsel appearing for the respondents that the issue of the continuance of their petitioners in their respective posts cannot be the subject matter of adjudication in the present contempt case.

The petitioner however can work out their remedy by way of separate writ or other proceeding. Accordingly, the Contempt Case is closed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

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**R.KANTHA RAO, J**

March 2, 2016  
LMV