

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

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C.C.No.1683 of 2014

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ORDER:

This contempt case is filed under Sections 10 to 12 of Contempt of Courts Act, 1971, complaining willful disobedience on the part of the respondents in complying with the orders dated 29.12.2009 passed by this Court in W.P.No.28575 of 2009. This Court on 29.12.2009 passed the following order:

“The subject matter of this writ petition is squarely covered by a common order passed by this Court in W.P.No.11269 of 2009 and batch dated 22.10.2009. Following the same, this writ petition is also disposed of directing that: - (a) the respondents shall include 1% cess in the estimates for the works which they propose to undertake, if the work continues for or beyond twelve months and involves engagement of 10 workers or more; and (b) the respondents shall not deduct any amount towards cess, unless the corresponding amount is included in the estimates. There shall be no order as to costs.”

2. Responding to the notice issued by this Court, a counter affidavit has been filed by the 5th respondent-Superintending Engineer and paragraph 4 of the said counter reads as under:

“I respectfully submit that I have utmost respect for the orders of this Hon'ble Court and I have not disobeyed the orders of this Hon'ble Court dated 29.12.2010. I also respectfully submit that this Hon'ble Court has directed the respondents not to deduct the amount and there is no specific direction for refund of the amount which is already deducted by the Government. The I&CAD (PW Reforms) Department vide Memo No.636/Reforms-A1/2008 dated 8.6.2011 has issued common orders on levy of 1% Labour cess applicable to all Engineering Departments in respect of ongoing works, wherever agreements do not contain the clause relating to the condition of the Building and other Construction Workers Welfare Cess Act, 1996 an amount of @1% of the amount will be added to the estimates and the estimates revised accordingly for all payments made after 26.6.2007. Accordingly, the Revised Estimate for the Warangal Water Supply Improvement Scheme under UIDSSMT was prepared and submitted to the Government by the Chief Engineer (PH), Hyderabad for

approval duly incorporating the provision @1% of the cost of estimate towards the labour cess (which includes refundable amount), the revised estimate is considered by the Committee-III meeting held on 4.8.2015 and also by the Technical Committee constituted by the Government of Telangana vide G.O.Rt.No.54 dated 12.2.2015 during the meeting held on 27.6.2015. The same can be released to the petitioner only after the Government of Telangana, accords Revised Administration Sanction to the Revised Estimate of the Warangal Water Supply Improvement Scheme under UIDSSMT for 195,74 crores. The orders of the Government are awaited”.

3. The contents of the above paragraph indicate that in furtherance of the orders of this Court, steps have been taken by the respondents.

4. In the light of the above, this Court deems it appropriate to close the present contempt case, directing the respondents to pay the amounts to the petitioner within a period of three months from the date of this order. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 29.1.2016

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