

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

CONTEMPT CASE No. 2224 of 2016

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

This contempt case was instituted alleging willful disobedience to the order dated 30.09.2016 passed by this Court in W.P.M.P.No.37858 of 2016 in W.P.No.30601 of 2016. By the said order, this Court directed the State to finalise the seniority in the cadre of Deputy Collectors (promotees and direct recruitees) expeditiously and in any event, not later than four weeks from the date of the said order.

This Contempt Case was instituted on 10.11.2016. It is however not in dispute that the State sought extension of time to complete the exercise. According to the learned Government Pleader, the said extension petition was filed before expiry of the time stipulated by us in the order dated 30.09.2016 but Sri P.V. Krishnaiah, learned counsel for the petitioner, would contend that the said extension petition was filed only on 31.10.2016.

It is also not in dispute that acting upon the said extension petition filed in W.P.M.P.No.46037 of 2016 in W.P.No.30601 of 2016, this Court passed order dated 16.11.2016 granting extension of time up to 14.02.2017.

Perusal of the said order reflects that this extension was strongly opposed by Sri P.V. Krishnaiah, learned counsel. Despite the same, the learned Division Bench, which heard the matter, was pleased to extend the time by three months to complete the entire process and to file a compliance report on 14.02.2017.

In the light of the aforesaid circumstances, we are of the opinion that there is no willful or deliberate contempt made out warranting exercise of contempt jurisdiction in the present case.

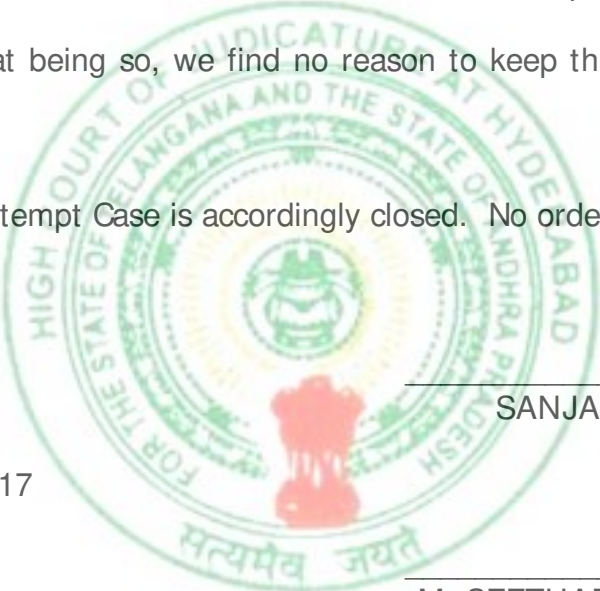
Sri P.V. Krishnaiah, learned counsel, would however contend that the very fact that the extension petition was filed after expiry of the time stipulated by this Court constitutes contempt in itself.

We are not inclined to accept this plea as the said extension petition was filed only a day after the expiry of the time and despite the strong opposition of Sri P.V. Krishnaiah, learned counsel, before the learned Division Bench which heard the extension petition, time was extended. That being so, we find no reason to keep this contempt case pending.

The Contempt Case is accordingly closed. No order as to costs.

Date: 03.02.2017

va



SANJAY KUMAR, J

M. SEETHARAMA MURTI, J