

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CONTEMPT CASE No.1102 of 2017

ORDER :

This *Suo Motu* Contempt Case was initiated against the respondent No.1 initially for rejecting the plea of the petitioners in W.P.No.18783 of 2017 for regularization through an order passed by him on 01.02.2017 in Rc.No.A1/893/2017 on the ground that there is a ban on regularization of services of Temple employees, in spite of the fact that the said contention had been specifically rejected by this Court in its order dt.13.11.2014 in W.P.No.6876 of 2010 and C.C.No.906 of 2014, to which, she is a party.

2. In the counter affidavit, the 1st respondent took a plea that the Commissioner of Endowments had also passed an order on 01.12.2016 in Rc.No.A1/26690/2013 giving the same reason for rejecting the plea of the petitioners for regularization.

3. Therefore, the Commissioner of Endowments was also issued a show cause notice as to why proceedings for *suo motu* Contempt Case should not be initiated against her and she was added as 2nd respondent in this *Suo Motu* Contempt Case.

4. Counter affidavit is filed by the Commissioner of Endowments stating that only Executive Officer was

competent to take appropriate decision and that the matter need not be referred for consideration of the Commissioner.

5. If this was really true, then there needs to be an explanation why the Commissioner of Endowments had passed order on 01.12.2016 referred to above, instead of simply informing the 1st respondent that she alone should take a decision.

6. The 1st respondent in the counter took the plea that she passed the consequential rejection orders on the basis of the order passed by the Commissioner on 01.02.2016. She also took a plea that she took charge as Executive Officer on 07.07.2016 and pursuant to the proceedings of the Commissioner dt.01.12.2016 she, as a subordinate to the Commissioner, is bound to implement the orders of the Commissioner.

7. Though both the respondents have now filed affidavits regretting the mistake, it is difficult to accept them, since they relied on the ban on regularization of services of Temple Employees in both their orders, in spite of the said contention being specifically rejected by this Court on 13.11.2014 in W.P.No.6876 of 2010 and C.C.No.907 of 2014. It is not only willful disobedience of the said order, and in fact it amounts to sitting in appeal over the order passed by this Court in the said Writ Petition and practically overruling the said order.

8. Therefore, notwithstanding the apology expressed by the respondents and the fact that they have withdrawn, by subsequent proceedings, the orders passed by them, they are both sentenced to pay fine of Rs.2,000/- each, which shall be paid within a period of four (04) weeks from the date of receipt of a copy of this order. The respondents are also warned to be more cautious in future.

9. Consequently, miscellaneous petitions pending if any shall stand closed.

13th October, 2017.
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M.S.RAMACHANDRA RAO, J

