

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

CONTEMPT CASE No. 2202 of 2016

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

This contempt case was instituted alleging willful disobedience to the order dated 01.09.2016 passed by this Court in W.P.M.P.No.29342 of 2016 in W.P.No.23821 of 2016. By the said order, this Court permitted the petitioner to make a representation to the authority showing special circumstances, if any, warranting consideration of his request for retention at the same location. The authorities were directed to consider such representation, if made, in accordance with law. Claiming that he made a representation on 12.09.2016 but the authorities merely passed a cryptic order on 03.10.2016 directing him to report at Chennai with immediate effect, the petitioner filed this contempt case.

Sri B. Narayana Reddy, learned Assistant Solicitor General for India, produced before us a copy of the proceeding dated 21.10.2016 issued by the Principal Director, Central Institute of Tool Design, Hyderabad, wherein the petitioner's representation dated 12.09.2016 was reconsidered and the petitioner was directed to report at Chennai immediately as there was no regular employee at present there and his services were urgently required at the Chennai Centre.

Sri D. Rama Krishna, learned counsel for the petitioner, would contend that three orders were passed in all upon the petitioner's representation dated 12.09.2016 and that this act, in itself, would constitute contempt.

It is no doubt true that the authorities first passed order dated 03.10.2016 wherein, while referring to the petitioner's representation received on 15.09.2016, the Principal Director, Central Institute of Tool Design, Hyderabad, baldly directed him to report at the Sub Centre, Chennai, with immediate effect. The subsequent proceeding dated 13.10.2016 also was equally cryptic as the petitioner was merely requested to report at the Sub Centre, Chennai, as an in-charge with immediate effect. These two orders were passed before institution of this contempt case. Perhaps, having realized that they were required to give reasons as to why they did not act upon the petitioner's representation,

the authorities thereafter issued the proceeding dated 21.10.2016 giving details as to why the petitioner could not be retained at Hyderabad.

We are of the opinion that this action on the part of the respondent does not constitute willful and deliberate disobedience to our order warranting exercise of contempt jurisdiction.

It is no doubt true that authorities are required to pass reasoned orders while responding to their employees' representations and all the more so, when such a representation is supported by an order passed by a Court. However, failure to do so in the present case is not demonstrated to be either willful or contumacious.

Though Sri D. Ramakrishna, learned counsel, would further contend that the ground raised by the petitioner in his representation had not been considered in the proceeding dated 21.10.2016, we are of the opinion that the merits of the proceeding dated 21.10.2016 cannot be gone into by this Court in exercise of contempt jurisdiction. If the petitioner is aggrieved thereby, he would necessarily have to seek redressal of his grievance by way of independent proceedings in accordance with law.

Reserving liberty to the petitioner to do so, if he so chooses, the contempt case is closed. No order as to costs.

SANJAY KUMAR, J

Date: 03.02.2017

M. SEETHARAMA MURTI, J

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