

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Smt. Justice Anis

Contempt Case.No.462 of 2017

Date: 20.10.2017

Between:

G.Giddaiah

... Petitioner

and

Sri K.Venkata Ramana Reddy

...Respondent

Counsel for the Petitioner: Mr.Penjuri Venugopal

Counsel for the respondents: GP for Irrigation and CAD (AP)

The Court made the following:



Order: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Contempt Case is filed alleging willful disobedience of Order, dated 18-03-2016, in WP.No.8888 of 2016, by the respondent/contemnor.

At the hearing, the respondent is present.

We have heard Mr.P.Venugopal, learned Counsel for the petitioner, and the learned Government Pleader for Irrigation and CAD (AP) appearing for the respondent.

While dismissing the afore-mentioned Writ Petition, by Order, dated 18-03-2016, this Court has permitted the petitioner to make a representation to the respondent for payment of arrears of salary, if the former is so entitled, and directed the latter to consider the same, take appropriate decision thereon and communication the same to the former within one month.

It is the pleaded case of the petitioner that he made a representation on 17-12-2016 seeking payment of arrears of salary from 03-09-2017 onwards; that the respondent has,

however, not passed any order thereon; and that thereby, he has deliberately flouted the order of this Court.

The respondent has filed a counter-affidavit wherein he has *inter alia* averred that on the representation, dated 17-12-2016, submitted by the petitioner, he sent a reply *vide* Letter No.AB/EC-2/8M, dated 05-01-2017, requesting the petitioner to submit an application, for sanction of GPA final payment and refund of GIS and APGLI, along with original APGLI bonds and GPF account slip, Bank pass book first page, Pan Card and Aadhar Card in Xerox and in soft copy for onward submission to the concerned authorities for arranging payment. The petitioner has submitted another letter, dated 10-01-2017, reiterating the same contents as contained in his representation, dated 17-12-2016, for which the respondent has sent another reply *vide* Letter No.AB/EC-2/69M, dated 21-01-2017, repeating the same contents as contained in his earlier letter, dated 05-01-2017. It is further stated that a further reply *vide* Letter No.AB/EC-2/120M, dated 10-02-2017, was also sent by the respondent to the petitioner informing the latter to submit the required forms.

The respondent further averred that as per Rule 52 of the Fundamental Rules, the petitioner, who received salary up to 03-09-2007 *i.e.*, till he was in service, is only eligible for GPF final payment and refund of GIS and APGLI. Along with the counter-affidavit, the respondent has filed copies of letters dated 05-01-2017, 21-01-2017 and 10-02-2017.

In the first mentioned letter, the respondent has clearly informed the petitioner that he is not entitled to the arrears of salary from 03-09-2007 onwards as per Rule 52 of the Fundamental Rules. The petitioner has not referred to any of these letters in the Contempt Case, obviously, due to the reason that by the time of his filing the Contempt Case, he might not have received the same.

Be that as it may, as noted herein before, while dismissing the Writ Petition, this Court has merely permitted the petitioner to make a representation for the arrears of his salary subject to the rider that, if he is entitled to the same, and a direction was issued to the respondent to consider and pass appropriate order thereon. With the issue of letter, dated 05-01-2017, unequivocally informing the petitioner

that he is not entitled to salary from 03-09-2007, the respondent has complied with the order of this Court. If the petitioner feels aggrieved by the said letter, he is entitled to avail appropriate legal remedy.

Subject to the liberty given to the petitioner as above, the Contempt Case is dismissed and the respondent is discharged from the contempt proceedings.

(C.V.Nagarjuna Reddy, J)

(Anis, J)

Dt: 20th October, 2017
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