

HON' BLE SRI JUSTICE P. NAVEEN RAO

CONTEMPT CASE No. 1336 of 2017

ORDER:

The petitioner filed the writ petition aggrieved by the Order of suspension from service dated 27.02.2017. Considering the issue, this Court by Order dated 22.03.2017 suspended the suspension order dated 27.02.2017. The effect of the order of suspension of suspension from service would be that the petitioner was deemed to be in service at least from that date. Alleging violation of the directions passed on 22.03.2017, this contempt case is filed.

2. However, the material on record discloses that on 09.05.2017 the suspension order was raised and on 12.05.2017 the petitioner was given posting orders.

3. The learned counsel for the petitioner sought to contend that since the suspension order was suspended, the petitioner ought to have been continued in service and continued in the same station where he was suspended and that not continuing him in the same place would amount to violation of the order of court. The very same issue was dealt by this court in CC No.1115 of 2017 and this court was not inclined to accept the similar contention raised therein.

4. As seen from the record, in the instant case, direction of this court is only with regard to suspension of the petitioner from service. Merely because the suspension order is suspended, the employer cannot be restrained from taking steps to issue appropriate posting orders to the petitioner. Suspension in service and posting the employee in any station are two different issues and taking advantage of the interim orders of this court, the petitioner cannot be continued in the same station where he was working prior to suspension. To that extent, it cannot be said that posting the petitioner to another place, than the place from where he was suspended while in service would amount to violation of the orders of this court.

5. However, it is noticed from the proceedings that the order of suspension was raised only on 09.05.2017 and posting orders were issued on 12.05.2017, whereas, the interim order of suspension was granted by this court on 22.03.2017. Thus the petitioner is entitled to be treated as on duty from the date of order passed by this court and therefore, he is entitled to draw pay and allowances for the period from 22.03.2015 till 12.05.2017.

6. It is now brought to the notice of this Court that the petitioner has not reported to duty and against his order of transfer, he filed WP No.18048 of 2017. Having regard to the same, subject to the petitioner availing appropriate remedy in the above writ petition, no direction is given regarding payment of pay and allowance after 12.5.2017. The contempt case is accordingly, disposed of directing the respondent-corporation to take appropriate steps for disbursement of pay and allowances from 22.03.2017 to 12.05.2017 to the petitioner within four (4) weeks from the date of receipt of copy of the order. No costs. Miscellaneous Petitions, if any, pending in this writ Petition shall stand closed.

P.NAVEEN RAO, J

15th November, 2017

Note: CC by one week
B/o. MjI