

THE HON'BLE SRI JUSTICE S.V.BHATT

CONTEMPT CASE No.1460 of 2014

ORDER:

Heard Sri N. Bala Narasimhulu for petitioner and Assistant Government Pleader (School Education).

The instant contempt case is filed complaining disobedience of order, dated 30.09.2004 in W.P.No.3093 of 2004. The operative portion of the order reads as follows:

“Admittedly, the petitioner alone was working in the un-aided post as against the vacancy of the Aided post. Therefore, in view of the said orders of the Government, I am of the opinion that the petitioner is entitled to be considered for absorption with effect from 01.07.2000 as per the orders issued in G.O.Ms.No.75 Education (PS-2) Department dated 23.09.2002 and is also eligible for the salary for the Aided post from the date the post fell vacant i.e., 01.07.2000. Insofar as the conditions imposed to undergo two years training in respect of the case of the absorbed petitioners this Court held that G.O.Ms.No.180 Education dated 29.12.2000 and G.O.Ms.No.100 Education dated 16.08.2001 have no application as the service of the petitioner treated in the Aided post, which fell vacant from 01.07.2000 by which date these two G.Os. were not in existence. As a consequence thereof the absorption of the petitioner in the aided post shall be treated as not on

apprenticeship and he shall be paid the salary attached to the post in which he was absorbed.”

It is a matter of record that the order, dated 30.09.2004, has been confirmed by the Division Bench as well as the Apex Court. Hence, the Contempt Case.

On 07.03.2017, the following docket order was passed:

“Heard Smt.G.Lakshmi for petitioner and the Assistant Government Pleader (School Education) for respondents.

The order against which disobedience is complained has become final with the dismissal of appeal filed by the State. Still the order remains unimplemented.

The Assistant Government Pleader draws the attention of the Court to Communication dated 05-01-2017 of the Commissioner of School Education, A.P., Amaravati, addressed to the Principal Secretary to Government, School Education (SE.PS.I) Department, A.P. Secretariat, Amaravati and requests four weeks time, as last chance, to report compliance of the order in W.P.No.3093 of 2004 dated 30-09-2004.

The request of four weeks time is accepted.

The order against which disobedience is complained, if not complied with by the Commissioner of School Education, A.P., Amaravati, by the next date of hearing, the Commissioner of School Education is directed to appear.

Post on 04-04-2017.”

The Assistant Government Pleader places on record and submits that the Commissioner of School Education and the Government have issued necessary proceedings for due compliance and the District Educational Officer, Kurnool, through proceedings Rc.No.1985/C5/2003, dated 03.04.2017, has issued consequential orders as required for reporting compliance of the order in W.P.No.3093 of 2004. The statement is placed on record and accepted. Therefore, now it is the responsibility of the District Educational Officer, Kurnool, to complete the compliance by allowing scale of pay, etc., as per the order of this Court in W.P.No.3093 of 2004.

Accordingly, the contempt case is closed. If the consequential steps as required are not taken and completed within four months from the date of receipt of a copy of this order, the petitioner is given liberty to seek recall of the instant order.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

4th April 2017

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