

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CONTEMPT CASE No.1773 of 2017

27.10.2017

Between:

Mohammed Younus

..Petitioner

and

B.Sreedhar and others

..Respondents

Counsel for the petitioner: Mr.Mohammed Younus - party-in-person

Counsel for the respondents: Government Pleader
for Revenue (Assignments) (T.S.)

The Court made the following:



ORDER:

This contempt case is filed alleging willful disobedience of order, dated 20.08.2013, in W.P.No.17034 of 2013.

2. By the aforementioned order, this Court directed respondent No.1 to forward the petitioner's application for regularization to the State Government in terms of G.O.Ms.No.166, Revenue (ASSN.POT) Department, dated 16.02.2008, with the further direction that the State Government shall give notice and an opportunity of personal hearing to the petitioner and dispose of his application within three months from the date of receipt of a copy of the said order. Alleging disobedience of the said order, the writ petitioner filed this Contempt Case.

3. Initially, the respondents have taken a stand that in view of the undertaking given by the State Government before a Division Bench in a Public Interest Litigation (P.I.L.) to the effect that G.O.Ms.No.166, dated 16.02.2008, will be withdrawn, the petitioner is not entitled for exemption under the said G.O. However, when this Court was not prepared to accept this stand as the order passed by this Court was prior to the said undertaking given in the P.I.L. and the vested right of the petitioner for consideration under the said G.O. cannot be taken away by a subsequent event, the learned Government Pleader for Revenue (Assignments) (T.S.) appearing for the respondents has submitted that the State Government will take an appropriate decision on the merits of the petitioner's application. On 13.10.2017, the learned Government Pleader placed before the Court, memo No.26868/Assn.II(1)/2012-5,

dated 03.10.2017, and when on a perusal of the said memo, this Court opined that the contents in paragraph 13 of the said memo, which referred to the fact that G.O.Ms.No.166, dated 16.02.2008, not being in force, are in direct contempt of the order passed by this Court, the learned Government Pleader has requested for an adjournment for issuing a revised memo. Accordingly, the case has been adjourned to today. Today, at the hearing, the learned Government Pleader has placed before the Court memo No.26868/Assn.II(1)/2012-8, dated 25.10.2017, a perusal of which shows that paragraph 13 of memo, dated 03.10.2017, has been deleted.

4. Mr.Mohammed Younus – the petitioner appearing as party-in-person, has submitted that as the reasons for rejection mentioned in memo, dated 25.10.2017, are nothing but a repetition of the reasons mentioned in an earlier memo, which was the subject matter of the previous litigation, the respondents cannot be permitted to assign the same reasons again and again for unjustly denying the relief to him.

5. The scope of the Contempt Case is confined to the aspect whether the respondents have deliberately flouted the order of this Court or not. While disposing of W.P.No.17034 of 2013, this Court has not declared the right of the petitioner to claim exemption under G.O.Ms.No.166, dated 16.02.2008. This Court has merely directed the State Government to decide on the request of the petitioner for exemption under the said G.O. Therefore, the correctness or otherwise of the reasons for which the petitioner's claim for exemption is rejected

would not be amenable to the contempt jurisdiction. If the petitioner feels aggrieved by the reasons for rejection, he shall be free to avail appropriate legal remedy.

6. With the issue of revised memo, dated 25.10.2017, the order of this Court stood complied with. Therefore, the Contempt Case is closed, however, with liberty to the petitioner to avail a fresh legal remedy, if he feels aggrieved by memo, dated 25.10.2017.

C.V.NAGARJUNA REDDY, J

27th October, 2017

GHN

