

***THE HON'BLE SRI JUSTICE P. NAVEEN RAO***

**CONTEMPT CASE No.1120 OF 2017**

Dated:20.11.2017

Between:

B. Umesh, S/o. Late B.M. Sayanna,  
Aged 59 years, Senior Security Officer  
(Retd.), Nizam's Institute of Medical  
Sciences, Punjagutta,  
R/o.H.No.8-2-120/110/1/3/A,  
Rupa Residency, Banjara Hills,  
Road No.14, Nandinagar, Hyderabad

.. Petitioner

And

Dr. Nimma Satyanarayana, Executive  
Registrar, Nizam's Institute of Medical  
Sciences, Punjagutta, Hyderabad, rep.,  
by its Registrar and others

.. Respondents



**The Court made the following:**

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**ORDER:**

By order dated 22.02.2017 in W.P.M.P.No.7013 of 2017 in W.P.No.5750 of 2017, this Court directed consideration of the claim of the petitioner for promotion to the post of Chief Security Officer in the existing vacancy based on the seniority and eligibility and to effect promotion before his retirement. The order was communicated to the respondents by way of letter dated 23.02.2017 of the petitioner. Alleging that even after notice in Contempt Case was issued, no decision was made and communicated to the petitioner and the action of the respondents amounting to contempt of the orders of the Court, this Contempt Case is filed.

2. Dr. N. Satyanarayana deposed to the affidavit dated 31.10.2017 filed on behalf of respondents 1 and 2. In the said affidavit, there is no whisper with regard to when the copy of the order was received and how steps were taken in compliance of the directions issued, except stating that a Departmental Promotion Committee (DPC) was constituted and in the meeting of the Committee held on 03.03.2017, the Committee considered the claim of the petitioner for promotion and submitted its report on 04.03.2017. The averments would disclose that the Committee did not recommend the petitioner for promotion. The averments in the affidavit dated 31.10.2017 were silent on the further steps taken by the respondents, but went on to discuss on the merits of the claim of the petitioner's eligibility for promotion.

3. Having regard to the fact that the copy of the order was communicated to the respondents on 23.02.2017 and the direction of the Court was to consider the claim of the petitioner for promotion before his retirement, which was due on 28.02.2017, the Court directed the respondents to file an affidavit explaining the steps taken immediately after receiving the copy of the order.

4. Accordingly, affidavit dated 18.11.2017 deposed by Dr. N. Satyanarayana is filed. The averments now made would disclose that the respondents were in receipt of the copy of the order on 23.02.2017 but it took five days for the competent authority to constitute i.e., on 28.02.2017, on which date, the petitioner was to retire from service. No explanation is forthcoming as to why five days to constitute the Committee and three more days were taken for the Committee to sit. The averments are also silent as to why the decision taken by the competent authority on the recommendations of the Committee were not communicated to the petitioner for long time.

5. Thus, though the order of the Court is specific, it is clear that the order was not complied within the time and the explanation offered by the respondents is not satisfactory. The direction to take up the claim of the petitioner for promotion immediately was on the ground that he was retiring from service on 28.02.2017 and such consideration ought to be made before his retirement.

6. Having realized his mistake, Dr. N. Satyanarayana deposed in his affidavit at paragraph No.10 as under:

“10. I submit that there occasioned a delay in communicating the order of rejection to the petitioner which is neither intentional nor wanton but due to the aforementioned reasons. The personal files of the petitioner were in the Pension Section and Claims Sections of the respondent Institute. The respondents fairly admitting that there was a delay in obtaining the files from the concerned sections and communicating the rejection order to the petitioner. The delay is neither willful nor deliberate. **Therefore, the delay in communicating the same may be condoned.** Furthermore, I respectfully submit that we have highest and great regard to the orders of this Hon’ble Court and we never and ever made any attempt to disobey the order of this Hon’ble Court and ***in the event of coming to the conclusion that we have violated the order passed by this Hon’ble Court, we tender our unconditional apology for the same and crave leave of this Hon’ble Court to accept the same and drop the proceedings against us.***”

(emphasis supplied)

7. The averments, as extracted above, would show that Dr. N. Satyanarayana admits that there was a delay in taking a decision but tried to state that it was neither intentional nor deliberate and prays to condone the same. He expressed his unconditional apology and craves leave of the Court to accept the same and drop the proceedings against them.

8. As noted above, it is clear that the order of the Court was not complied within the time fixed even though copy of the order was received. The averments would disclose that the respondents were casual in complying with the directions and took their own time, notwithstanding the time limit fixed by the Court. Further, no sufficient explanation is given as to why the decision made in

pursuance of the recommendations of the DPC were not immediately communicated but waited till the Contempt Case is instituted. Such kind of attitude is deprecated. While accepting the apology, Dr. N. Satyanarayana, the Executive Registrar, is warned to be careful in future in matters of this nature.

9. The Contempt Case is accordingly closed.

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***P. NAVEEN RAO, J***

Date:20.11.2017

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