

HONOURABLE SRI JUSTICE P. NAVEEN RAO

CONTEMPT CASE Nos.797, 810, 976, 1300, 1495, 1583, 1634, 1659 AND

2222 OF 2016

Date : 2.6.2017

CC No.797 OF 2016

Between :

M Rajesham S/o Venkaiah
R/o H No. 7-7-39/5, Krishna Colony
Jammikunta village and mandal
Karimnagar district

Petitioner

And

Sri Ramana Rao
Managing Director,
Presently TSRTC, Musheerabad Hyderabad and others

Respondents

The Court made the following:



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COMMON ORDER:

In all these contempt cases, petitioners are seeking enforcement of the directions issued by this Court in the judgment dated 29.1.2015 in W P No. 36337 of 2015 and batch. The judgment rendered by this Court in the above batch of writ petitions was assailed by the respondent corporation in writ appeals before Division Bench of this Court in W.A.Nos.1120 of 2015 and batch dated 8.9.2016 and Division Bench affirmed the decision of the learned single judge. Aggrieved thereby, the respondent corporations preferred Civil Appeal No.3428 of 2017 and batch before the Supreme Court. Supreme Court vide judgment dated 23.2.2017 allowed the appeals upholding the decision of the Delhi High Court in *Hawa Singh Vs Delhi Transport Corporation*¹ and *Airport Authority of India Vs Kumar Bharat Prasad Narain Singh*² on the question of disability and application of provisions of Section 47 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. Since Civil Appeals are allowed, petitioners cannot seek enforcement of the directions issued by this Court. Therefore, it cannot be said that respondents have violated the orders of this Court necessitating initiation of proceedings under Contempt of Court Act, 1971.

2. Learned counsel for petitioners sought to contend that petitioners are provided employment as a consequence to disability suffered by them and therefore they are entitled to payment of pay and allowances for the period out of employment and pay protection. It is contended that once their disability is covered by definition in Section 2 (1) of the Act, the decision of Hon'ble Supreme Court does not affect the decision rendered by this Court. It is further contended that Supreme Court has also left it open to the respondent

¹ WP (C) 7880 of 2011 Delhi High Court dt 3.2.2012

² LPA No. 1601 of 2005 Delhi High Court dt 14.12.2005

corporations to take decision on individual grievances of the employees and liberty is also granted to the employees to avail remedies. Thus, respondents are bound to comply with the directions issued by this Court on the claims made by the petitioners.

3. It is seen from the order of the Supreme Court that the Supreme Court took note of the directions issued by this Court, considered the entire issue and approved the view taken by the Delhi High Court in *Hawa Singh and Kumar Bharat Prasad Narain Singh* (cited supra) with reference to disability and application of provisions of Act, 1995 and having approved the said decision, allowed the appeals. Thus, once the appeals are allowed which appeals arise out of the judgment rendered by this Court on 29.1.2016 in W P No. 36337 of 2015 and batch, it is no more open to the petitioners to contend that even though appeals are allowed, still respondents are bound to comply with the directions issued by this Court. There is no justification made to proceed against the respondents under Contempt of Courts Act, 1971.

4. Accordingly, contempt cases are dismissed. No costs. Having regard to the same, miscellaneous applications, if any pending, are closed.

DATE: 2.6.2017
TVK

P NAVEEN RAO,J

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