

**HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
HON'BLE SMT.JUSTICE T.RAJANI**

CONTEMPT CASE No.1140 of 2017

ORDER: (Per Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This contempt case is filed alleging violation of the order passed by a Division Bench of this Court in W.A.M.P.No.1160 of 2012 in W.A.No.596 of 2012 dated 07.06.2012. The order, of which violation is alleged, merely makes any promotions made by the respondents subject to the result of the writ appeal.

Sri M.Srinivasa Rao, learned counsel for the petitioner, would submit that promotions were effected based on a seniority list which was subsequently set aside by this Court; the said order of this Court was affirmed by the Supreme Court; and since the Division Bench had, in the order which has resulted in the filing of the present contempt case, made the promotions subject to the result of the writ appeal, failure of the respondents, to revert those who were promoted earlier, would amount to violation of the aforesaid order of this Court.

We must express our inability to agree. The grievance, regarding failure to revert those where promoted during the pendency of the appeal, can only be agitated in independent legal proceedings. The jurisdiction under the Contempt of Courts Act, 1971 is exercised only when the order of this Court is violated, that too, willfully and deliberately. Failure on the part of the respondents, to revert those who were promoted earlier, cannot be said to be in willful and deliberate violation of the aforesaid order of this Court.

The Contempt case is wholly misconceived and is, accordingly, dismissed. Miscellaneous petitions pending, if any, shall stand closed.

RAMESH RANGANATHAN, ACJ

T.RAJANI, J

June 28, 2017
MRR