

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.22294 of 2006

ORDER:

Heard Sri S.A.K.Mynoddin, learned counsel for the petitioner and Sri N.Vasudeva Reddy, learned Standing Counsel for the respondent Road Transport Corporation.

2. Against the order of removal passed by the Disciplinary authority, petitioner herein raised an industrial dispute, being I.D.No.485 of 1992 before the Labour Court. The Labour Court/tribunal dismissed the said I.D.No.485 of 1992 by way of an award dated 30.03.1995. Assailing the validity of the said award passed by the Labour Court, petitioner herein filed W.P.No.3984 of 1996 before this Court. On 17.10.1997, a Division Bench of this Court while finding that the Court do not find any illegality or irregularity in the impugned order passed by the Tribunal, kept it open for the petitioner herein to give a fresh representation to the respondents for consideration of his case for appointment as a Cleaner. Thereafter, according to the petitioner, he has submitted a representation on 26.12.1997 to the Depot Manager, Midhani, Hyderabad, requesting to do needful in the light of the above said judgment of the Division Bench of this Court. Thereafter, by way of proceedings No.P2/785 (1)/96-MDN, dated 30.12.1997, the said representation was forwarded to the Dy.CPM/HCR for further action. Thereafter, petitioner submitted a representation on 17.01.1998 to the Regional Manager, Hyderabad City Region, Secunderabad, requesting for necessary action in the matter.

3. Subsequently, the petitioner herein appears to have got issued a legal notice on 18.02.2002, calling upon the respondents herein to implement the above said orders and the same was followed by a reminder dated

14.08.2003. Subsequently, in the year 2004, petitioner herein filed Contempt Case No.412 of 2004 before this Court against the respondents herein, alleging wilful disobedience of the above said orders of the Division Bench dated 17.10.1997. While dismissing the said Contempt Case No.412 of 2004, this Court passed the following order:

“The application has been filed seeking initiation of Contempt proceedings as allegedly the order of this Court dated 17th October, 1997 has not been complied with. The application has been filed almost after seven years of the order. In these circumstances we do not feel that any Contempt proceedings should be initiated against the respondent. Accordingly this Contempt case is dismissed. However, if the petitioner has any grievance, he may move the appropriate forum for appropriate relief.”

3. Thereafter, petitioner approached the Labour Officer, Circle-II, Ranga Reddy District and by way of proceedings dated 11.08.2006 the Labour Officer rejected the request of the petitioner herein. Thereafter, by way of the present writ petition, petitioner herein approached this Court assailing the alleged inaction on the part of the respondents in not reinstating the petitioner herein as Driver/Cleaner in pursuance to the orders of this Court in W.P.No.3984 of 1996, dated 17.10.1997.

4. Learned counsel for the petitioner Sri S.A.K.Mynoddin submits that the action impugned in the present writ petition is highly illegal and arbitrary and in utter disregard of the orders passed by this Court in W.P.No3984 of 1996 dated 17.10.1997.

5. On the other hand, it is submitted by the learned Standing Counsel for the respondent Corporation that there is no illegality nor there exists any infirmity in the impugned action and having kept quite for nearly 7 years without assigning any valid reason the petitioner herein cannot complain

anything against the respondents herein. It is also brought to the notice of this Court that vide office orders dated 18.10.2010, the respondents appointed the petitioner and in view of the same, the cause in the writ petition does not survive otherwise also.

6. In this context it may be appropriate to refer to the judgment of this Court in the case of *THE MANAGEMENT OF WILLIAM MOON HIGH SCHOOL VS. RADHABAI SHINDE*¹ wherein this Court categorically held that no writ petition can be filed for enforcement of the order passed in another writ petition and the normal course is to file a contempt case for enforcement of the directions issued in the writ petition. In the instant case, petitioner herein already availed the said opportunity by filing the contempt case and the contempt case was also dismissed by this Court. As rightly pointed out by the learned counsel for the petitioner that no plausible explanation is forthcoming from the petitioner as to why he kept quiet for 7 years in approaching this Court by way of contempt case. It is further made clear that since the respondents had already appointed the petitioner, he shall not be disturbed.

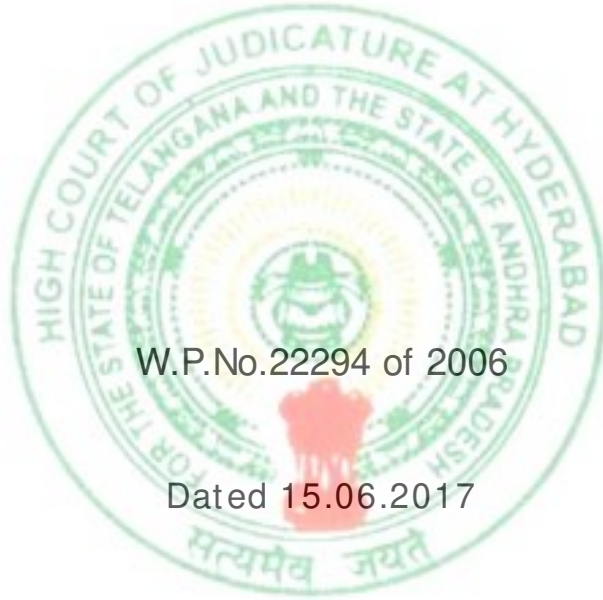
7. With the above observation, the writ petition stands disposed of. As a sequel, the miscellaneous petitions, if any, shall stand disposed of. There shall be no order as to costs.

A.V.SESHA SAI, J

Date:15.06.2017
grk

¹ 2015 (4) ALD 138 (DB)

THE HON'BLE SRI JUSTICE A.V.SESHA SAI



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Dated 15.06.2017

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