

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE N.BALAYOGI**

CONTEMPT CASE NO.1116 OF 2017

O R D E R

(Per Hon'ble Sri Justice Sanjay Kumar)

This contempt case was instituted alleging willful disobedience to the order dated 27.04.2017 passed by this Court in W.P.M.P.No.15696 of 2017 in W.P.No.38060 of 2013. This order was passed consequent to the order dated 11.08.2016 in W.P.M.P.No.32997 of 2016 in W.P.No.26654 of 2016. By the aforestated order dated 11.08.2016, this Court directed the authorities to undertake ascertainment of vacancies in the posts of Multi Purpose Health Assistants (Male) and terminate the services of the individuals appointed pursuant to G.O.Rt.No.1207 dated 09.10.2013 only if they could not be accommodated. The authorities were specifically directed not to resort to termination of the services of the petitioner in the said writ petition or any other individual covered by G.O.Rt.No.1207 dated 09.10.2013 until the exercise for ascertainment of the vacancies available in the posts of Multi Purpose Health Assistants (Male) was concluded and it was found necessary to terminate the services of the individuals who were in excess of such available vacancies.

W.P.M.P.No.15696 of 2017 in W.P.No.38060 of 2013 was filed by respondents 96 to 98 in the writ petition seeking a direction to the authorities not to terminate their services from the posts of Multi Purpose Health Assistants (Male), pending disposal of the writ petition. This Court took note of the fact that the Relief Order dated 15.04.2013 issued to the first petitioner in W.P.M.P.No.15696 of

2017 in W.P.No.38060 of 2016 did not even mention any exercise having been undertaken pursuant to the order dated 11.08.2016 referred to *supra* and accordingly granted an interim direction as prayed for. This Court further directed that any order already passed terminating the services of the individuals covered by G.O.Rt.No.1207 dated 09.10.2013, including the Relief Order dated 15.04.2017 issued to the first petitioner therein/respondent No.96 in the writ petition, should not be given effect to and should stand suspended pending completion of the exercise as directed earlier by this Court.

While so, the District Medical and Health Officer, West Godavari District, Eluru, filed a counter-affidavit stating that pursuant to the order dated 11.08.2016 passed by this Court in W.P.M.P.No.32997 of 2016 in W.P.No.26654 of 2016, an exercise was initiated to ascertain the number of vacancies available and 112 vacancies were finally determined. Thereby, the services of 46 terminated candidates were taken back subject to the outcome of pending cases.

In the light of the categorical statement made in the counter-affidavit by the District Medical and Health Officer, West Godavari District, Eluru, that the number of vacancies were ascertained as 112, we are of the opinion that the exercise contemplated under the earlier order dated 11.08.2018 passed in W.P.M.P.No.32997 of 2016 in W.P.No.26654 of 2016 stood concluded and therefore, the assumption under which the later interim order dated 27.04.2017 was passed in W.P.M.P.No.15696 of 2017 in W.P.No.38060 of 2013, that the said exercise had not been taken up, was not factually correct.

In that view of the matter, we find no cause to exercise contempt jurisdiction in the present case. In the event the petitioner has any legally redressable grievance, it is open to him to avail remedies separately in accordance with law. The Contempt Case is accordingly dismissed. No order as to costs.

SANJAY KUMAR, J

N.BALAYOGI, J

8th SEPTEMBER, 2017

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