

THE HON'BLE SRI JUSTICE SANJAY KUMAR
and
THE HON'BLE DR JUSTICE B.SIVA SANKARA RAO

CONTEMPT CASE No.1214 of 2016

ORDER: (per SK, J)

This Contempt Case was instituted alleging willful disobedience to the order dated 31.03.2015 passed by a Division of this Court in Writ Appeal No.260 of 2010. The relevant portion of the order may be extracted and it reads as under:

“In that view of the matter, we are of the view that mere attestation by the Assistant Divisional Engineer is not sufficient and the service certificates are to be certified by the concerned Officer with reference to the agreements entered by the Department with the licensed/unlicensed contractors. In view of the same, we deem it appropriate to dispose of the writ appeal permitting the appellants to examine the service certificates filed by the respondent/writ petitioners so as to ascertain whether they conform to the requirements as per B.P.Ms.No.36 dated 18.05.1997 and whether the writ petitioners have worked as contract labour or not, with reference to the agreements entered by the Department with the contractors, before taking a decision. It is open to the respondent/writ petitioners to place the relevant material to substantiate their claim that they worked as contract labour during the relevant time. As the claims of the respondent/writ petitioners are pending, the appellants shall pass appropriate orders in the light of the directions issued in this order, within a period of two months from today.”

It is an admitted fact that pursuant to the aforesaid direction, the Superintending Engineer, Operations, APSPDCL, Vijayawada, issued letter dated 05.02.2016 to the first petitioner herein informing him that his claim for employment under

B.P.Ms.No.36 dated 18.05.1997 was rejected after consideration of his case as per the direction of this Court.

Sri M. Pitchaiah, learned counsel for the petitioners, would contend that pursuant to the direction of this Court, his clients submitted a statement of contract works undertaken by the contractor but despite the same, the authorities failed to consider as to whether they had worked for the organization in terms of their claim.

Perusal of the letter dated 05.02.2016 reflects that the authorities found that the service certificates produced by the petitioners did not mention the details of the relevant agreement, reflecting the period of service. This was an essential requirement in terms of the order passed by this Court in the Writ Appeal. The authorities were asked to examine the service certificates filed by the petitioners so as to ascertain whether they conform to the requirements of B.P.Ms.No.36 dated 18.05.1997 and in that context, ascertain as to whether the petitioners had worked as contract labour or not with reference to the agreements entered into by the department with the contractors. The petitioners were also given an opportunity to place relevant material to substantiate their claim that they worked as contract labour during the relevant time. Pursuant to this order, the petitioners

submitted only a statement of works done by the contractor under whom they claimed to have worked. However, the fact remains that the service certificates filed by them did not mention the agreement numbers and were not certified by the officer concerned with reference to such agreements. In the light of the specific observation of the Division Bench that this was a must, the failure on the part of the petitioners to furnish service certificates which comply with this requirement cannot be brushed aside. We therefore find no disobedience to the order passed in the Writ Appeal warranting exercise of contempt jurisdiction.

Sri M. Pitchaiah, learned counsel, would state that the Divisional Electrical Engineer, Operation, Vijayawada, submitted certain material in proof of the petitioners having worked under the contractor but the same was not taken into consideration. We are however not inclined to accept this submission as the examination of the material necessarily had to be in conformity with the order passed by this Court in the Writ Appeal and the relevance of the service certificates could not be belittled by merely relying upon independent material available with the authorities themselves.

The Contempt Case is accordingly dismissed leaving it open to the petitioners to avail appropriate remedies in accordance with law, if they are aggrieved by the letter dated 05.02.2016.

Pending miscellaneous applications, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

1st SEPTEMBER, 2017.

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Dr. B.SIVA SANKARA RAO, J

