

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.27136 OF 2015

AND

CONTEMPT CASE No.666 OF 2016

COMMON ORDER:

The petitioner was appointed as Attender in fifth respondent Society in the month of March, 1984. However, on a requisition made by him to the respondents 4 and 5, his request for mutual transfer of an employee of the fourth respondent to the fifth respondent and himself to the fourth respondent was accepted. He joined the Society of the fourth respondent on 24.01.2013. He continued as such in the fourth respondent Society. However, a person in-charge came to office in the fourth respondent Society. He issued proceedings on 31.03.2015 stating that the service of the petitioner was not required and he can report for duty to the fifth respondent Society. When he reported for duty before the fifth respondent Society on 01.04.2015, the fifth respondent Society refused to take the joining report of the petitioner. In those circumstances, he submitted a representation to the third respondent on 13.04.2015. When the said representation was not considered by the third respondent, the present writ petition is filed.

This Court, by order dated 26.08.2015, granted interim direction. When the said order was not complied with, the petitioner filed C.C.No.666 of 2016. Seeking vacation of the interim order, the fourth respondent filed counter affidavit stating that the petitioner was working in a regular vacancy in the fifth respondent Society and when he was working as such, he was taken to the fourth respondent Society considering the request the request for mutual transfer. The earlier employee, who was working in the fourth respondent Society, was drawing a consolidated pay of Rs.4,000/-, whereas the petitioner has been drawing Rs.13,137/- in the fourth respondent Society. The Society

incurred huge loss of more than Rs.1.4 crores and in those circumstances, the petitioner was asked to report for duty to the fifth respondent Society, where there is a vacancy. It is also stated that the petitioner is not interested in attending his duties and in spite of obtaining interim orders, he did not turn up to the duties nor submitted any leave letter. In those circumstances, they utilized the services of one Lakshmaiah as Attender-cum-Night watchman on a consolidated pay of Rs.3,000/- per month.

In the light of the above facts and circumstances of the case, this Court is not inclined to go into the merits of the case, but since a representation of the petitioner dated 13.04.2015 is pending before the third respondent, this Court feels that the third respondent can dispose of the said representation by taking the above facts into consideration and pass appropriate orders in accordance with law within a period of three months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, pending if any, shall stand closed. There shall be no order as to costs.

In view of the disposal of the writ petition as aforesaid, no orders can be passed in the contempt case.

The contempt case is accordingly closed.

A.RAMALINGESWARA RAO, J

30.11.2017
pln