

HONOURABLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.2168 OF 2016

Date: 07.07.2017

Between :

M. Rayappa s/o. M.Showry, Aged about 55 years,
Occu: presently working as Principal, Khadhi Gramodyog
Mahalaya, Rajendra Nagar, Hyderabad and Joint Director(FAC)
TS Khadhi & village Industries Board, Humayun Nagar,
Hyderabad.

... Petitioner

and

Shri Savyasachi Gosh, I.A.S. Joint Chief Executive Officer,
TS Khadi & Village Industries Board, Humayun Nagar,
Hyderabad and another.

... Respondents



The Court made the following:

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ORDER:

This Court passed the following order on 18.11.2015 in
WPMP No.26010 of 2015 in W.P.No.20175 of 2015:

“According to learned counsel for the petitioner, though the petitioner was suspended on 06.03.2013, the order of suspension was revoked on 27.03.2015. As of now, no disciplinary proceedings are pending against the petitioner and no criminal prosecution is launched against the petitioner. The petitioner is a senior most Deputy Director, eligible for promotion as Joint Director. However, on the ground that some investigation is pending, petitioner was not considered for promotion as Joint Director, AP Khadi & Village Industries Board, Hyderabad.

Learned counsel for the petitioner places reliance on the orders issued by the Government in G.O.Ms.No.257, General Administration (SER.C) Department dated 10.06.1999 and other orders of the Government concerning Government employees, with reference to consideration for promotion pending disciplinary proceedings/criminal prosecution. In terms of the said instructions, according to learned counsel for the petitioner, if no charge sheet is filed and no charge memo is issued, the employee is entitled for consideration for promotion.

Having regard to the said submission, the 1st respondent is directed to consider the claim of the petitioner for promotion of Joint Director according to his seniority, eligibility and suitability, if no charge sheet/charge memo is filed against the petitioner.”

2. Alleging violation of the said order, this contempt case is filed.

3. Learned counsel for petitioner contends that in terms of the direction issued by the Court, petitioner was assessed by the Departmental Promotion Committee (DPC), declared him suitable, there is a vacancy of Joint Director and petitioner being senior most person, he ought to have been granted promotion and not granting promotion amounts to violation of orders of this Court.

4. A careful reading of the order would show that direction issued was, to consider the claim of petitioner for promotion if no charge sheet/charge memo was filed against him. Even according to the counsel for petitioner, petitioner was considered. Not granting of promotion cannot amount to violation of directions issued by the Court as there was no such direction issued. It is not a case where the Court should initiate proceedings under the Contempt of Courts Act, 1971. Contempt proceedings can be initiated only if there is deliberate and willful disobedience of the directions issued by the Court even though a positive mandate was issued. In the instant case, there was no direction to grant promotion. Therefore, it cannot be said that there was deliberate and willful violation of orders of this Court. Contempt case is accordingly closed.

Miscellaneous petitions pending, if any, in this contempt case shall stand closed. There is no order as to costs.

JUSTICE P.NAVEEN RAO

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