

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.1135 OF 2017

DATED : 15.12.2017

Between :

Smt Boddu Ramadevi W/o.A.Venkatesh,
D/o.B.Kondanna, Aged about 39 yrs,
Occu : Special Officer (Terminated),
Talakondapalli Village and Mandal,
Mahaboobnagar District.

..

Petitioner

And

Sri G.Kishan, State Project Director,
Rajiv Vidya Mission (SSA) and Vice Chairman,
KGBV Society, Hyderabad

..

Respondent



This court made the following :

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CONTEMPT CASE No.1135 OF 2017

ORDER :

This contempt case is filed to punish the respondent for wilful and deliberate disobedience of the order passed in W.P.No.36404 of 2016 dated 15.03.2017.

2. This Court while holding that the order of termination was not preceded by due procedure and setting aside the termination order, did not grant the relief of reinstatement, but only observed that it is open to the 4th respondent in the writ petition to utilise the services of petitioner in any other place, if vacancy is available and there is requirement of service of petitioner. Alleging violation of the direction issued to engage the petitioner, this contempt case is filed.

3. Earlier, in three affidavits, the respondent herein has not stated about his stand on the scope of jurisdiction of the post occupied by the petitioner earlier i.e., whether it is a District cadre post or State cadre post and regarding the eligibility of petitioner for re-engagement, if vacancy is available, more so, when fresh recruitment notification was issued. However, since no positive direction was granted by this Court in the writ petition, the Court granted further time to the respondent to file better affidavit explaining his stand.

4. After narrating the instances that lead to termination of services of petitioner and further action taken in pursuant to disposal of the writ petition, it is stated that as the enquiry is

already completed and in view of the past conduct of the petitioner, the competent authority was not in favour of granting appointment to the petitioner. It is further averred that since liberty was only granted to the 4th respondent and there was no mandate issued, by not appointing the petitioner, no contempt is committed.

5. Learned counsel for the petitioner primarily contended that as the termination order is set aside and directions were issued, petitioner ought to have been appointed, more so, when vacancies are available.

6. To appreciate this contention of learned counsel for the petitioner, it is necessary to look into the direction issued by this Court in Para No.7, more particularly Sub-paras “b & c” :

“7.b. Since petitioner was only a contract employee and the position earlier occupied by her is already filled, no direction can be given to put her back and no financial benefit can be directed to be paid for the past period at this stage. Since the impugned order is set aside only on the limited ground of not affording due opportunity before terminating her services, in the event petitioner succeeds in satisfying the competent authority and if competent authority drops the disciplinary action, petitioner shall be granted benefits to which she is entitled.

c. However, it is open to the 4th respondent to utilize the services of the petitioner in any other place, if vacancy is available and there is requirement of service of petitioner before initiating and concluding the disciplinary proceedings in terms of the orders of this Court.”

7. A reading of Paras 7 (b) & (c) would show that the Court was not inclined to order reinstatement having regard to the fact that petitioner was a contract employee and after her termination as another person was already appointed, the impugned order was set aside only on the limited ground of not affording due opportunity, before terminating the services of petitioner. Regarding

consequential benefits, the Court directed in the event petitioner succeeds in the disciplinary proceedings, she would be entitled to the same. However, in Sub-Para 'c' the Court observed that the 4th respondent may utilize the services of petitioner in any other place, if vacancy is available and there is requirement of services of petitioner. The observation made in sub-para 'c' has to be read in consonance with sub-para 'b'. Thus, no positive direction was issued and it cannot be said that respondent has violated the directions of this Court, warranting initiation of contempt proceedings under the Contempt of Courts Act.

8. Contempt Case is accordingly closed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this contempt case shall stand closed.

15th December, 2017
Rds

P.NAVEEN RAO,J

