

THE HON'BLE SRI JUSTICE SANJAY KUMAR  
AND  
THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

CONTEMPT CASE No. 1581 of 2017

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

This contempt case was instituted alleging willful disobedience to the order dated 29.06.2016 passed by this Court in W.P.M.P.No.41406 of 2016 in W.P.No.33525 of 2016. By the said order, this Court granted interim suspension of the proceedings dated 28.03.2016 and the consequential proceedings dated 11.04.2016 passed by the authorities. The said proceedings related to the revision and regularisation of the pay of the petitioner whereby the authorities determined that he had been paid excess salary and accordingly called upon him to remit the said amounts.

The grievance of the petitioner in terms of the averments made in the affidavit filed in support of this Contempt Case is that the respondent was not fixing his pay under the PRC Scales.

Learned Government Pleader for Services (TG) would point out that the revision of pay scales of the petitioner was never the subject matter of the Miscellaneous Petition and in terms of the interim order, the recovery of the alleged excess amount paid to the petitioner is not being effected and he is being paid the salary without giving effect to the revision and regularisation of his pay under the impugned proceedings which were suspended. We find merit in the submission of the learned Government Pleader.

In that view of the matter, we find no disobedience, much less wilful disobedience, to our order warranting exercise of the contempt jurisdiction.

The Contempt Case is accordingly dismissed. This order shall however not preclude the petitioner from availing appropriate remedies in accordance with law as to his grievance.

The Contempt Case is accordingly dismissed. No order as to costs.

Date: 15.09.2017

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SANJAY KUMAR, J

M. SEETHARAMA MURTI, J

