

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE S.V.BHATT

CONTEMPT CASE NOS.488, 512 AND 518 OF 2016

COMMON ORDER: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

In these three cases the order, violation of which is alleged, is the common order passed in WP.No.39008 of 2015 and batch dated 28.12.2015 whereby the respondents were directed to continue the petitioners in service; their salaries and other emoluments were directed to be borne by the State of Andhra Pradesh and the State of Telangana in the ratio of 58.32 : 41.68; both the Universities were directed to take suitable steps for making payment of salaries and arrears of salaries before the next date; and to pay the arrears of salaries to the relieved employees in the same ratio within four weeks from the date of the order. The fact that the salaries, and arrears of salaries, have been paid is admitted. What is, however, contended to be in violation of the order is the failure of the respondents to pay them annual increments, and in not providing them work.

The jurisdiction exercised by this Court, under the Contempt of Courts Act, 1971, is quasi-criminal in nature. It is only where a clear case of violation of the order of this Court, that too wilfully and deliberately, is made out, would action be required to be taken to punish the respondents for contempt. The order, violation of which is alleged in this Contempt Case, does not explicitly require the respondents to pay annual increments or to provide them work. We may not be understood to have said that the respondents are not obligated to pay them increments or to provide

them work. All that we are holding is that, since the order does not explicitly require them to do so, the respondents cannot be punished under the Contempt of Courts Act, 1971, and the petitioners' remedy for redressal of their grievances is in independent legal proceedings, and not under the Contempt of Courts Act, 1971.

The Contempt Case is, accordingly, closed. Miscellaneous applications, if any, pending shall stand closed.

(RAMESH RANGANATHAN, ACJ)

(S.V.BHATT, J)

27th January 2017
RRB

