

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SMT. JUSTICE ANIS

C.C.No. 189 OF 2017

DATED 23RD FEBRUARY, 2017

Between:

Smt. T.Sita Rao ... Petitioner

AND

Smt. M.Sathiyavathy, I.A.S.,
Secretary to Government of India,
Ministry of Labour & Employment,
Shram Shakti Bhawan,
Rafi Marg, New Delhi – 110011 ... Respondent

Counsel for the petitioner : Sri T.Koteswara Rao

Counsel for the respondent : --

THE COURT MADE THE FOLLOWING

JUDGMENT (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*):

This contempt case is filed alleging willful disobedience of order dated 03-03-2016 in W.P.M.P.No. 8239 of 2016 in W.P.No. 6479 of 2016.

2. Though this is a Special Bench constituted for hearing this case, learned counsel for the parties are not present. We have gone through the record. The respondent has filed the aforementioned Writ Petition feeling aggrieved by final order dated 10-09-2015 in O.A.No. 1460 of 2013 on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for short, 'the Tribunal'), whereunder the Tribunal has granted the relief of notional promotion to the petitioner. By the aforementioned order passed by us, we declined to grant *interim* suspension of the said order of the Tribunal, however making it clear that the notional promotion that may be granted to the petitioner shall be subject to the result of the Writ Petition. Alleging that the respondent failed to implement the order of the Tribunal in part, respondent No. 1 in the Writ Petition has filed this contempt case.

3. In our opinion, in the absence of any positive order passed in favour of the petitioner, she is not entitled to invoke the contempt jurisdiction of this Court. Unless an order passed or judgment rendered in favour of the petitioner by giving positive directions, she is not entitled to initiate contempt proceedings on the purported ground of non-compliance of the order of this Court. As the petitioner has secured relief from the Tribunal, if the respondent violates any part of the order passed by it, she is entitled to avail appropriate remedy before the Tribunal.

4. Subject to this liberty given to the petitioner, the contempt case is dismissed.

C.V.NAGARJUNA REDDY, J.

ANIS, J.

Date: 23-02-2017.

JSK

