

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

C.C.No.1386 of 2016

ORDER:

Heard Sri J.Sudheer, learned counsel for the petitioner, learned Government Pleader for Respondents 1 to 3 and Smt.K.Lalitha for Respondent No.4.

2. The alleged non-compliance of the interim order dated 2.3.2016 passed by this Court in W.P.M.P.No.8154 of 2016 in W.P.No.6409 of 2016 is the complaint in the present contempt case filed under Sections 10 to 12 of Contempt of Courts Act, 1971.

3. Challenge in the main writ petition is to the order dated 3.12.2015 passed by the 4th respondent-Executive Officer, imposing punishment of stoppage of two increments with cumulative effect.

4. In W.P.M.P.No.8154 of 2016, petitioner herein prayed for suspension of the said order dated 3.12.2015 and consequently for a direction to the Respondents to give posting orders in any of the Temples within the jurisdiction of 4th respondent. This Court on 2.3.2016 in W.P.M.P.No.8154 of 2016 granted interim order as prayed for.

5. The case of the petitioner in the present application is that in the absence of any proceedings against him in view of the interim order granted by this Court, the petitioner should have been reinstated as Manager, but has been reinstated by the 4th respondent as Junior Assistant vide proceedings dated 14.3.2016. According to the learned counsel for the petitioner, the same is a wilful disobedience of the orders of this Court dated 2.3.2016.

6. Counter affidavits have been filed by the Respondents, denying the allegations made in the affidavit filed in support of the contempt case. Reiterating the contents of the said counter affidavits, it is submitted by the learned Government Pleader appearing for Respondents 1 to 3 and also the learned Standing Counsel for Respondent No.4 that the present application filed under Sections 10 to 12 of Contempt of Courts Act, 1971 is a patent abuse of process of law having regard to earlier events.

7. Pursuant to the order of this Court dated 2.3.2016, petitioner herein made a representation on 4.3.2016, requesting to issue posting orders in his favour. Vide order Rc.No.30/15 dated 14.3.2016, the Executive Officer/4th respondent herein issued posting orders in favour of the petitioner herein as Junior Assistant in his parental institution. On 19.3.2016, petitioner submitted a representation to the Commissioner of Endowments, requesting to give posting orders as Manager. On 23.3.2016, petitioner made a representation to the Executive Officer/4th respondent saying that this Court directed him to give posting orders as Manager, but according to the petitioner, he reported to duty under protest.

8. The issue that arises for consideration of this Court in the present application is whether the respondents herein have wilfully violated the order dated 2.3.2016 passed by this Court in W.P.M.P.No.8154 of 2016 or not.

9. It is significant to note that admittedly, petitioner herein in W.P.M.P.No.8154 of 2016 prayed for the following relief:

“To suspend the proceedings dated 3.12.2015 issued by the 4th respondent and consequently direct the respondents to give posting orders in any of the temples within his jurisdiction”.

10. This Court on 2.3.2016 granted interim order as prayed for. The petitioner herein never specifically sought for a direction to post him as Manager. Apart from this, even according to the petitioner, it is his case in the affidavit filed in support of the writ petition that the Manager of the parent institution of the petitioner i.e. Mahalakshmi Ammavari Group of Temples, Malleshwaram, West Godavari district issued a charge memo dated 29.4.2011, calling upon the petitioner to submit explanation and the Commissioner of Endowments vide proceedings dated 29.11.2011 repatriated the petitioner to his parent department and the Deputy Commissioner of Endowments issued consequential proceedings dated 14.12.2011. It is also an admitted fact that the petitioner herein assailed the said proceedings dated 29.11.2011 and the proceedings of the Deputy Commissioner of Endowments dated 14.12.2011 in W.P.No.34111 of 2011 and this Court vide order dated 30.12.2011, suspended the said proceedings for a period of four weeks initially and thereafter, there was no extension of the said interim order. It is also evident from the affidavit filed in support of the writ petition that vide proceedings dated 3.4.2013, the Deputy Commissioner issued a fresh repatriation order and the said order was the subject matter of W.P.No.10840 of 2013 filed by the petitioner herein and even according to the petitioner, the said writ petition was dismissed by this court on the ground of pendency of earlier writ petition. It is also an admitted reality that thereafter, petitioner filed W.P.M.P.No.16160 of 2013 in W.P.No.34111 of 2011, seeking extension of the interim order and this Court dismissed the said application vide order dated 30.4.2013 and the said order was confirmed by the Division Bench of this Court in W.A.No.790 of 2013 filed by the petitioner herein. At paragraph 8 of the affidavit filed in support of the instant writ petition, it is specifically stated by the petitioner herein that “in

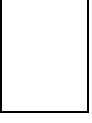
effect by virtue of the inadvertence, petitioner's continuation as Manager was disallowed". The above narration in clear and vivid terms demonstrates that there is absolutely no merit in the contempt case.

11. Accordingly, the contempt case is dismissed and the Respondents stands discharged. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

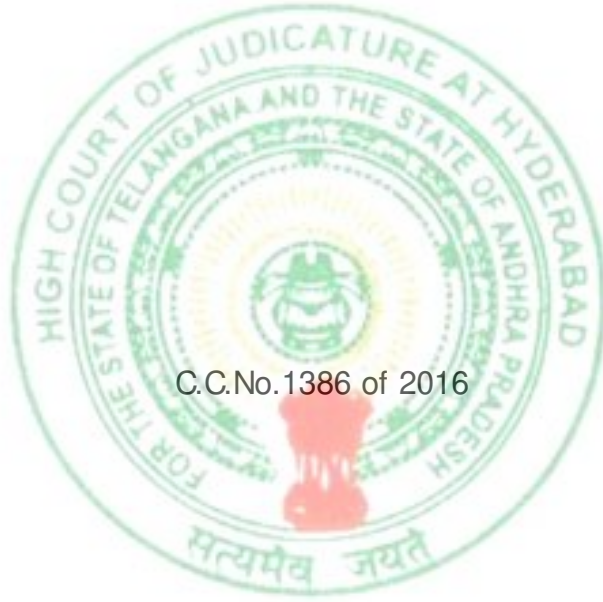
Date: .9.2017
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A.V.SESHA SAI, J





THE HON'BLE SRI JUSTICE A.V.SESHA SAI



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