

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

C.C.NO.32 OF 2018

ORDER

This court by interim order dated 04.09.2017 granted stay of impugned transfer of the petitioner, vide Army Hq as Signal Number dated 18.08.2017 posting the petitioner to new unit; for a period of two weeks.

Complaining the disobedience of the above interim order of this court by the respondents, the present contempt case is filed.

The learned counsel for the petitioner submits that the respondents have complied with the above interim orders of this court by giving posting orders to the petitioner in his parent unit by allotting sedentary or desk job, due to his limb dis-functioning. She submits that there is delay in implementation of the orders of this court and hence this amounts to contempt on the part of respondents.

Learned Assistant Solicitor General Sri K.Lakshman submits that this court granted interim order dated 04.09.2017 only for a period of two weeks and thereafter there was no extension. However, on 05.01.2018, the petitioner was given movement order as per the interim orders of this court. On 24.01.2018 when the matter was again listed, this court in WPMP.No.37113 of 2017 in W.P.No.29811 of 2017, passed following directions:

“Since it is also an admitted fact that petitioner underwent surgery on his right shoulder earlier and recently for his left shoulder on 29-11-2017 taking into account the disability profile as per the assessment dated 20-01-2018 of the Military Hospital,

Secunderabad, the respondents are directed to allow the petitioner to perform sedentary or desk job due to limb dis-function on his joining in the parent unit, referred to above, within one week from today. This is without prejudice to the rights of both parties in the writ petition.”

He stated that petitioner joined duty as per movement order dated 5.01.2018 and hence there is no contempt on the part of the respondents.

It is to be seen that this court on 04.09.2017 granted interim stay of impugned transfer, only for a period of two weeks and thereafter there was no extension. As per the submission of the learned Assistant Solicitor, which is not disputed, movement order was given to the petitioner on 05.01.2018. Subsequently on 24.01.2018, this court passed the above interim orders and even by that date, petitioner joined in duty as he was allotted sedentary / desk job.

In view of the above circumstances, I do not find any contempt on the part of the respondents and the contempt case is accordingly closed.

Miscellaneous petitions, pending, if any, shall stand closed. No costs.

A.RAJASHEKER REDDY,J

DATE:20—02—2018

AVS