

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

CONTEMPT CASE NO.65 OF 2018

ORDER:

The petitioner states that he belongs to Scheduled Tribe community and hails from Chinthachettu Thanda village, Mulkacherla Post, Damarcherla Mandal, Nalgonda District. He filed O.A.No.9922 of 2012 before the Andhra Pradesh Administrative Tribunal and the Administrative Tribunal issued an order on 10.12.2013 directing the respondents to consider the case of the applicant/petitioner for appointment to the post of Hostel Welfare Officer Grade-II in any one of the vacancies in which the selected candidates expressed their unwillingness to join and pass appropriate orders within a period of four weeks from the date of receipt of a copy of the order.

It appears that when the said order was not implemented, the petitioner approached the Hon'ble Minister for Backward Classes Welfare and he made an endorsement to the Commissioner of Backward Classes Welfare, Telangana, Hyderabad and the Commissioner issued a memo on 15.2.2016 calling for a report from the Deputy Director, Nalgonda on the representation submitted by the petitioner. When no report was submitted by the Deputy Director, he filed Writ Petition No.36204 of 2017 and this Court by order dated 4.12.2017

directed the respondents to consider the case of the petitioner for appointment to the post of Hostel Welfare Officer, Grade-II pursuant to the order in O.A.9922 of 2012 dated 10.12.2013. Alleging violation of the said order, the present Contempt Case is filed.

In response to the Contempt Case, the 3rd respondent filed a counter affidavit stating that pursuant to the order passed by the Tribunal on 10.12.2013, the case of the petitioner was examined and an order was passed on 16.1.2014 rejecting the case of the petitioner. When the said order was sent to the petitioner by registered post, it was returned with an endorsement, "rejected" by the petitioner on 31.1.2014. The communications sent on 30.1.2014 and 5.3.2016 also did not yield any result as they were also returned. Suppressing those communications and rejection of communications, Writ Petition No.36204 of 2017 was filed and the petitioner obtained interim order on 4.12.2017.

When there was already an order of the Tribunal and the case of the petitioner was considered, the petitioner ought not to have filed Writ Petition on the ground that the order dated 16.1.2014 passed by the respondents was not received by him. In fact, it is the case of the respondents that when the said proceedings were sent to the petitioner, it was rejected and the

subsequent two communications were also returned unserved. Even after filing the counter affidavit also, the petitioner, instead of pursuing proper remedy, filed a reply affidavit touching the merits of the case.

In the circumstances, this Court sees no ground to entertain the present Contempt Case, but it is open to the petitioner to pursue his remedies available under law.

Contempt Case is dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

Date: 9.4.2018

KPM

A. RAMALINGESWARA RAO,J

