

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

CONTEMPT CASE No.1137 OF 2017

Dated:16.02.2018

Between:

C.L. Narasimha Rao,
S/o. Late C. Uddanda Rao,
Aged 61 years, R/o.20-48-510-677,
Siva Jyothi Nagar, Tirupathi,
Chittoor District

.. Petitioner

And

Sri Vidya Sankara Bharathi Swamiji,
S/o. R. Gopala Krishna Murthy,
Aged 37 years, Peethadhipathi,
Sri Sri Sri Pushpagiri Jagatguru
Shankacharya Maha Samsthanam
(Sri Pushpagiri Math), having Branch
Office at 1-10-176-B, Begumpet,
Hyderabad and others

.. Respondents



The Court made the following:

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ORDER:

By order dated 21.04.2017, this Court issued the following directions in W.P.M.P.No.17205 of 2017 in W.P.No.13862 of 2017:

“Heard learned counsel for the petitioner and learned Government Pleader for endowments.

Petitioner was terminated by order dated 12.10.2015. At this stage, learned counsel for the petitioner would submit that though petitioner was terminated, no other person is appointed in his place and seeks direction to continue the petitioner. No positive direction to continue the petitioner can be granted, since he was already terminated.

Learned counsel for the petitioner submits that no procedure is followed in terminating the services of the petitioner and straight away order of termination was issued and on the sole ground of violation of principles of natural justice, the order is liable to be set aside. In support of his contention, learned counsel placed reliance on the interim order of this Court in W.P.M.P.No.34809 of 2014 in W.P.No.27801 of 2014, dated 18.09.2014.

Prima facie, a reading of the order would show that the order was not preceded by opportunity of hearing. However, the order was passed on 12.10.2015 and it is not known as to whether, in consequent to the termination of the petitioner, any other person was appointed.

Having regard to the said facts, the respondents are directed to reinstate the petitioner into service, if, so far, no other person is appointed, without regard to the order, dated 12.10.2015, impugned in the Writ Petition.”

2. Alleging non-compliance of the said directions, this Contempt Case is filed.
3. As seen from the order of the Court, though the Court was *prima facie* satisfied that termination was illegal, having regard to

the fact that the said termination order was under challenge after long time and if some other appointments were also made, they cannot be disturbed, passed the conditional order, as extracted above. In other words, reinstatement of the petitioner would arise only in the event no other person was appointed before the interim order was passed.

4. Along with the counter affidavit, the respondents enclosed the appointment orders of Sri C.P.V. Ravindranth Kumar appointed on 01.08.2016, Sri C.M. Lokesh appointed on 05.08.2016 and Sri K.V. Kalyan appointed on 20.01.2017. These three appointments were made prior to the interim order passed by the Court.

5. Miss. G. Sudha, learned counsel for the respondents, furnished statement of bank account of the Charitable Trust. The statement of bank account would disclose payment of salary and allowances to these three persons, referred to above, evidencing their employment.

6. Because other persons were already appointed, it cannot be said that the direction of the Court is violated warranting continuation of contempt proceedings.

7. The Contempt Case is accordingly closed, and the contemnors are discharged from contempt proceedings.

Miscellaneous Applications, if any, filed in this Contempt Case shall stand closed.

P. NAVEEN RAO, J

Date:16.02.2018

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