

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

CONTEMPT CASE NO.125 OF 2017

DATED:29-06-2018

Between:

Kommara Pushpanandam ... Petitioner

And

Katamneni Bhaskar
and another ... Respondents

COUNSEL FOR THE PETITIONER: Smt. M. Shalini

COUNSEL FOR THE RESPONDENTS: Mr. P. Krishna
Prakash, Special Government Pleader (AP)



THE COURT MADE THE FOLLOWING:

ORDER:

This contempt case is filed alleging wilful disobedience of order dt.30.10.2015 in W.P. No.35633 of 2015.

After the respondents entered appearance, the case underwent several adjournments. The learned counsel for the petitioner has not disputed that as on today the order of this Court stood complied with, with the payment of the salary for the period from 21.07.2016 to 07.07.2017 during which he was discontinued from service. The only dispute that remained is the purported non-payment of fifteen days' leave encashment. On 15.06.2018 this Court has adjourned the case to today to enable both the parties to get the said issue resolved. In response to the Memo filed by the learned counsel for the petitioner on 21.06.2018 claiming that the petitioner is entitled to surrender of earned leave for fifteen days for the period 2014-2015, amounting to Rs.43,152/-, respondent - contemnor No.1 has filed his affidavit disputing the said claim *inter alia* stating that the bill in respect of the said claim was prepared by the petitioner along with concerned staff and the same was drawn and paid to him along with the other staff, as per the Office Proceedings No.35/2009/A2, dt.15.07.2014, in pursuance of Government Circular Memo No.14781/C/278/

F.R.1/2011, dt.22.06.2011 of the Finance Department, Government of Andhra Pradesh. It is further averred that in pursuance thereof, the petitioner has drawn an amount of Rs.25,343/-.

Since the scope of this contempt case is limited to continuance of the petitioner in service and though he was discontinued contrary to the order of this Court, respondent No.1 realized his folly and took corrective steps by paying the petitioner the salary for the period during which he was discontinued. Therefore, respondent No.1 though has violated the order of this Court, however, purged the contempt by taking corrective steps as referred to above. The alleged non-payment of the earned leave encashment of Rs.43,152/- as claimed by the petitioner does not directly arise in the contempt case. If the petitioner has any grievance in that regard, he shall be free to make a representation to the respondents.

Subject to the liberty given to the petitioner as above, the contempt case is closed.

C.V. NAGARJUNA REDDY, J

29-06-2018

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