

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE Mr. JUSTICE M. GANGA RAO

Contempt Case Nos.774, 775, 777, 781, 782, 786, 789 and 802 of 2018

Common Order: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

The order, violation of which is alleged in all these Contempt Cases, is the order passed by us in W.P. No. 19171 of 2015 and batch dated 21.9.2017. We had, in passing the said order, followed the earlier order passed in W.P. No. 3460 of 2010 and batch dated 23.8.2017. By the order passed in W.P. No. 3460 of 2010 and batch dated 23.8.2017, the 2005 Act, except in so far as it dealt with the aspect of pension, was declared unconstitutional following the order passed by the Division Bench in **Y. Sidda Reddy vs. Government of Andhra Pradesh**¹.

The petitioners contention, in these Contempt Cases, is that, on the Act being struck down, they would be entitled for service benefits such as Career Advancement Scheme, Automatic Advancement Scheme etc by reckoning their services. By the order, violation of which is alleged in these Contempt Cases, Act 37 of 2005 was struck down as unconstitutional, except on the aspect of pension. No direction was issued in the said Writ Petitions directing the respondents to extend to the petitioners the benefits of the Career Advancement Scheme and the Automatic Advancement Scheme. If, as is now contended before us, the petitioners are entitled for such benefits, consequent on the Act being struck down, it is for them to seek appropriate relief in independent legal proceedings. Unless the order of this Court is

¹ 2006(3) ALD 546 (DB)

held to have been violated, that too wilfully and deliberately, the contempt jurisdiction of this Court cannot be invoked. The Contempt Cases as filed are wholly mis-conceived and are, accordingly, dismissed.

(RAMESH RANGANATHAN, ACJ)

(M. GANGA RAO, J)

6th April, 2018
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Date: 6.4.2018

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