

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CONTEMPT CASE No.1572 of 2017

O R D E R:

This Contempt Case is filed alleging intentional, willful and deliberate disobedience of the order dt.22.06.2017 in W.P.MP.No.24720 of 2017 in W.P.No.20180 of 2017 passed by this Court.

2. In the said order, this Court had granted interim suspension of proceedings No.27/SERP/HR/2017 dt.25.04.2017 passed by the Society for Elimination of Rural Poverty transferring the petitioner from Chittoor District to Krishna District.

3. In the interim order this court noted that the petitioner was appointed to L3 level, which is a zonal post, and *prima facie*, the impugned order transferring him to a different zone, without assigning any valid reason, appears to be arbitrary.

4. W.V.MP.No.2040 of 2017 was filed to vacate the said interim order.

5. On 19.07.2018 the said W.V.MP., is also dismissed.

6. The respondents in the Contempt Case then preferred W.A.No.1156 of 2018 but the said Writ Appeal was also dismissed on 30.08.2018.

7. In view of these events, the respondents have now filed a counter affidavit stating that they have issued proceedings on 07.09.2018 reinstating the petitioner in Chittoor District as APM(Dairy) in Kuppam Cluster.

8. Unconditional apology has also been tendered by the respondents for the delay in complying with the interim order dt.22.06.2017.

9. The effect of suspension of an order passed has been explained in ***K.Venkateswara Rao v. State of Andhra Pradesh rep. by its Chief Secretary to Government, Hyderabad and others***¹. The Division Bench held that when an order of suspension is passed, temporarily the order is wiped out and does not exist in the eye of law. So petitioner is deemed to be in the place where he was working before he was transferred and is entitled to salary for the period 22.06.2017 to 07.09.2018.

10. Undoubtedly there has been a delay in implementing the interim order dt.22.06.2017 suspending the petitioner's transfer order dt.25.04.2017 till 07.09.2018. Petitioner has also been not paid any salary for this period.

11. Once the interim order dt.22.06.2017 in W.P.MP.No.24720 of 2017 in W.P.No.20180 of 2017 is confirmed in W.A.No.1156 of 2018, the respondents cannot

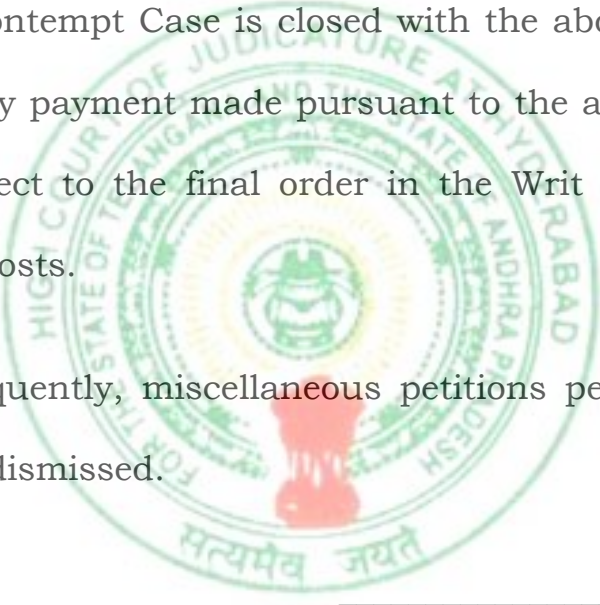
¹ 2011(6) ALT 277 (DB)

continue to deny salary to the petitioner for the said period on the pretext that an interim application I.A.No.1 of 2018 for this relief is pending in W.P.No.20180 of 2017.

12. Therefore, subject to the respondents paying the salaries due to the petitioner for the period from 22.06.2017 to 07.09.2018 within a period of four (04) weeks from the date of receipt of a copy of the order, their apology for the delay in implementation of the said order dt.22.06.2017, is accepted.

13. The Contempt Case is closed with the above directions. However, any payment made pursuant to the above direction will be subject to the final order in the Writ Petition. No order as to costs.

14. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.



M.S.RAMACHANDRA RAO, J

20th September, 2018.
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