

HONOURABLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE NO.1074 OF 2017

Date: 22.01.2018

Between :

Dugga Appala Jaganatha Rao, S/o. Suri Naidu,
Aged about 50 years, Occu: Head Master (FAC)
RCM High School, Kondadaba, Kothavalasa,
Vizianagaram District, A.P.

.... Petitioner

And

Smt. S.Aruna Kumari, w/o. not known,
Aged about 55 years, District Educational
Officer, Vizianagaram and others.

.... Respondents



This Court made the following :

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ORDER:

Petitioner when working in Kondadabalu was transferred to Manasa Educational Society, Vizianagaram. Aggrieved thereby, petitioner filed W.P.No.24884 of 2016. By way of interim order, this Court granted liberty to the petitioner to make a representation for suitable accommodation on posting and on making such representation, direction was issued to the competent authority to pass appropriate orders. Orders were passed on 18.10.2016 deputing the petitioner to Bobbili in Vizianagaram district in super cession of the earlier orders. Subsequently, orders were passed by the Management on 22.10.2016. On 24.10.2016, petitioner was also informed by the Manager that he may have to help the Correspondent of R.C.M. School, Kothavalasa, Kondadabalu, as and when necessary. On 25.10.2016, petitioner joined in Bobbili. Writ Petition No.9104 of 2017 was filed alleging that salary is not paid even though petitioner is working. This Court by order dated 17.03.2017, directed as under:

“Petitioner claims that salary is not paid to him from September, 2016 though he is working. If the petitioner is working and salary is not paid, the same shall be paid to him.”

2. Alleging disobedience of the said order and salary is not paid, this Contempt Case is filed.
3. In response to the notice issued, counter-affidavits are filed. Petitioner filed reply to the counter-affidavits. Additional counter-affidavit is filed and voluminous documents are placed on record.

4. Learned counsel for petitioner submits that in accordance with the direction issued by the Management on 24.10.2016, petitioner was discharging his duties in Kondadabalu also in addition to his working in Bobbili, but salary is not paid for the work rendered by him in Kondadabalu and, therefore, amounts to contempt.

5. Learned counsel for petitioner submits that Correspondent does not live in Kondadabalu and no written order is issued, but on oral instructions, he went to Kondadabalu to discharge official functions of the School in Kondadabalu. Learned counsel placed reliance on letter written by the Manager on 24.10.2016 in support of the contention that in terms of orders of the Management only, he went to Kondadabalu and, therefore, denial of salary for the said period amounts to deliberate and wilful disobedience of the direction of the Court. Learned counsel also referred to letter of the Deputy Educational Officer asking Correspondent to put up proposals for draw of salary to the petitioner, but same was not acted upon.

6. In response, learned senior counsel appearing for the Management would submit that there was no direction issued to the petitioner either by the Correspondent or by the Head Master of School in Kondadabalu to attend reconciliation work or any other work in Kondadabalu. Petitioner cannot claim on his own to go on Kondadabalu and to work when subsisting posting is at Bobbili. He would submit that for the period of work rendered in Bobbili, salary was drawn and paid and no additional amount need be paid as petitioner did not work in Bobbili for other period. He would further submit that having come to know that petitioner is not discharging duties in Bobbili, show-cause notice was issued on 15.03.2017 calling for explanation and matter is independently

pursued. He therefore submits that there is no violation of directions of the Court.

7. As can be seen from the direction issued by this Court, Court directed to pay salary for the period of work rendered by the petitioner. As stated by learned senior counsel, salary was paid for the period of work rendered by petitioner from November, 2016 to February, 2017.

8. A bare look at the letter written by the Manager on 24.10.2016 would show that Manager puts the petitioner on notice that he may be asked to go over to Kondadabalu, whenever required by the Correspondent of that School. Thus, petitioner cannot presume and go over to Kondadabalu on his own. As fairly submitted by the learned counsel for petitioner, no written orders are communicated to the petitioner asking him to work in Kondadabalu. Thus, without specific assignment of work, by an order of competent authority, petitioner cannot claim to have worked in the place other than the place of his posting and claim salary.

9. No case is made out for initiating contempt proceedings. Much less, it cannot be said that there was wilful and deliberate violation of the direction of the Court, warranting initiation of contempt proceedings. Contempt Case is accordingly closed.

Miscellaneous petitions if any pending in the contempt case shall stand closed.

JUSTICE P.NAVEEN RAO

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