

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice Gudiseva Shyam Prasad

Contempt Case No.1636 of 2018

Date: 26.07.2018

Between:

A.Chinna Ankaiah

... Petitioner

and

Vinod Kumar Yadav and another

...Respondents

Counsel for the Petitioner: Mr.Ch.Ravinder

The Court made the following:



Order: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Contempt Case is filed alleging willful disobedience of Order, dated 10-08-2017, in W.P.No.6967 of 2004, by the respondents.

We have heard Mr.Ch.Ravinder, learned Counsel for the petitioner, and perused the record.

The petitioner has filed OA.No.190 of 2001 assailing the order of his removal from service on the ground that he has secured employment by producing a false Certificate regarding his Community. The Central Administrative Tribunal, by its Order, dated 30-09-2003, has allowed the said OA with consequential benefits of reinstatement into service and backwages on the short ground that even before the competent authority has cancelled the Community Certificate of the petitioner, the respondents have removed him from service. This order was assailed by the respondents in WP.No.6967 of 2004. During the hearing of the said Writ Petition, this Court has taken note of the submissions of the learned Counsel for both parties that the petitioner was reinstated into service in pursuance of the Tribunal's order; that he was working; that a fresh charge memo was issued to him by the respondent; and that the enquiry was pending. Accordingly, this

Court has disposed of the Writ Petition by permitting the respondents to proceed with the fresh enquiry and by making it clear that mere pendency of the Appeal filed by the petitioner against the order cancelling his Community Certificate cannot be taken as a ground for stalling the enquiry proceedings. This Court further observed that if the petitioner does not cooperate with the respondents in proper conduct of the enquiry, the latter are free to proceed with the enquiry strictly in accordance with law and pass a final order as expeditiously as possible and not later than three months from the date of receipt of a copy of the said order.

In the present Contempt Case, the grievance of the petitioner is that though the respondents are liable to pay the arrears of salary as per the direction of the Tribunal, they have not paid the same so far.

The order passed by this Court in WP.No.6067 of 2004 has not dealt with the aspect of arrears. Therefore, if the petitioner feels aggrieved by the action of the respondents in not complying with the order of the Tribunal, the petitioner is entitled to avail his remedy before the Tribunal. We cannot accept the submission of the learned Counsel for the petitioner that the Tribunal's order got merged in the Writ Petition, because this Court has not exercised

its appellate jurisdiction against the order of the Tribunal. The order passed in the Writ Petition, in exercise of the power of judicial review of this Court, therefore, cannot be said to subsume the order of the Tribunal.

In this view of the matter, this Contempt Case filed before this Court by the petitioner, feeling aggrieved by non-payment of arrears by the respondents, is wholly misconceived and the same is, accordingly, dismissed, however, giving liberty to the petitioner to avail the appropriate legal remedy.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad, J)

Dt: 26th July, 2018
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