

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

Contempt Case No.1959 of 2015

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

This contempt case is filed alleging violation of the order passed by a Division Bench of this Court in W.A.No.1909 of 2005 dated 30.07.2014. The petitioners herein, along with a few others, filed W.A.No.1909 of 2005 aggrieved by the order passed in W.P.No.17156 of 2001 dated 05.08.2005.

In its order, in W.A.No.1909 of 2005 dated 30.07.2014, the Division Bench held that, in the peculiar facts and circumstances of the case viz, that the appellants therein were continuing as teachers and rendering services for the past 18 years, the writ appeal should be allowed. The respondents were directed to pay salary to the appellants therein in the minimum of the pay scales attached to equivalent posts in the Government or in aided institutions; and the arrangement was directed to be made with effect from 01.08.2014.

The respondents herein understood the order of the Division Bench to mean payment of basic salary in the minimum of the pay scales attached to equivalent posts in Government or aided institutions. It is not in dispute that the petitioners were paid basic salary in the minimum of the pay scales attached to equivalent posts in Government or aided institutions.

Ms.Vladimeer Khatoon, learned counsel for the petitioners, would, however, contend that the petitioners are entitled, in addition, for dearness allowance, house rent allowance and interim relief on the basic salary.

Sri Mirza Safiulla Baig, learned Standing Counsel for the Wakf Board, on the other hand, would contend that the direction of the Division Bench was only to pay the basic salary in the minimum scale pay and, since the said amount has already been paid, the respondents have complied with the order passed by the Division Bench of this Court.

The question whether salary in the minimum pay scale, as directed to be paid by the Division Bench in its order in W.A.No.1909 of 2005 dated 30.07.2014, would include dearness allowance, house rent allowance, and interim relief, is not a matter for examination in contempt proceedings, since the scope of enquiry in such proceedings is extremely limited. It is only if there is violation of the order, and the violation is wilful and deliberate, can the respondents be proceeded against and be punished under the Contempt of Courts Act. The understanding of the respondents, of the order of the Division Bench, is a possible view and, while the view canvassed by the petitioners may also be another possible view, this Court would not adjudicate the rival contentions, on merits, in contempt proceedings.

As the proceedings under the Contempt of Courts Act are quasi-criminal in nature, it is only if it is established beyond reasonable doubt that the respondents have wilfully and deliberately violated the order passed by the Division Bench of this Court, is action required to be taken to punish them for contempt. We are satisfied that the present case is not one such. Needless to state that the order now passed by us shall not disable the petitioners from availing their legal remedies.

The Contempt Case is, however, dismissed. Contempt Applications pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(CHALLA KODANDA RAM, J)

13th April, 2018
JSU



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Date: 13.04.2018

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