

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CONTEMPT CASE No. 803 of 2017

ORDER:

This Contempt Case was instituted by the petitioner in C.R.P.No.4581 of 2016 alleging willful disobedience to the order dated 05.12.2016 passed therein.

The aforestated C.R.P. arose out of the order dated 20.03.2015 passed by the learned I Additional Senior Civil Judge, Rajahmundry, in I.A.No.412 of 2015 in O.S.No.182 of 2015. By the said order, the trial Court granted an ad-interim injunction restraining the petitioner herein from withdrawing or collecting the retirement benefits and prohibiting the Deputy General Manager (Admn.), Bharat Sanchar Nigam Limited, Rajahmundry, the second respondent herein, from paying the same to him.

The present Contempt Case is filed alleging inaction on the part of the authorities of the Bharat Sanchar Nigam Limited in releasing the petitioner's retirement benefits.

It is significant to note that the petitioner by way of C.R.P.M.P.No.5942 of 2016 filed in C.R.P.No.4581 of 2016 sought a direction to the Deputy General Manager (Admn.), Bharat Sanchar Nigam Limited, Rajahmundry, to release his retirement benefits pending disposal of the C.R.P. However, by the order dated 05.12.2016, this Court directed as follows:

“Even after service of notice, no representation for Respondents.
The order under challenge is suspended.
Post after four weeks.”

It is therefore clear that no specific direction was ever given to the Deputy General Manager (Admn.), Bharat Sanchar Nigam Limited, Rajahmundry, to release the petitioner's retirement benefits. That being so, the Deputy General Manager (Admn.), Bharat Sanchar Nigam Limited, Rajahmundry, cannot be accused of failing to abide by a non-existent direction to release the petitioner's retirement benefits. The second respondent in the C.R.P. is therefore not guilty of any disobedience, much less, willful disobedience to any order passed by this Court.

The Contempt Case is accordingly dismissed. Pending applications, if any, shall also stand dismissed. No order as to costs.

Date: 08.06.2018
va

JUSTICE SANJAY KUMAR

