

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT JUSTICE T.RAJANI

CONTEMPT CASE NO.2404 OF 2018

ORDER: {Per the Hon'ble Sri Justice Ramesh Ranganathan}

The order, violation of which is alleged in this Contempt Case, is the order the order passed by us in W.A.No.420 of 2017 dated 05.06.2017 whereby the Writ Appeal was disposed of with the following observations.

“Following the order of the Supreme Court, in Civil Appeal No.3529 of 2017 and batch dated 23.02.2017, these Writ Appeals are also disposed of holding that the benefit of Section 47 of the Act shall be available only to those who are covered by the disabilities specified in Section 2(i) of the Act; it is open to the appellant-Corporation to take a decision, on individual grievances of the respondent-writ petitioners, with utmost expedition preferably within three months from the date of receipt of a copy of the order; and the respondent-writ petitioners are at liberty thereafter to avail their remedies in terms of the judgment of the Supreme Court. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.”

In terms of the order passed by us, the appellant-Corporation was required to take a decision, on individual grievances of the respondent-writ petitioners, as to whether they suffered from any of the disabilities specified under Section 2(i) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (“the Act” for brevity), for it is only in such cases would the benefit of Section 47 of the Act be available. The writ petitioners were given liberty, after an order was passed, to avail the remedy.

Sri A.Rama Rao, learned Standing Counsel for the respondent-Corporation, would place before us a copy of the

proceedings issued by the Regional Manager, Tirupati dated 18.07.2018 holding that the writ petitioner was not entitled to any benefits under Section 47 of the Act; however, his services were never dispensed with, and he was provided alternative employment as 'Shramik'; and his pay drawn in the post of Driver has been protected.

While Sri G.Ramachandra Reddy, learned counsel for the petitioner, would put forth several contentions in challenge to the validity of the said order, the only question which necessitates examination, in these contempt proceedings, is whether or not the order of this Court is violated; and, if so, whether such violation is wilful and deliberate. In compliance with the order passed by this Court, the respondents have considered the individual grievance of the writ petitioner and have passed an order. The correctness or otherwise of the said order is extraneous to contempt proceedings. As the order of this Court has been complied with, albeit belatedly, we see no reason to proceed against the respondents under the Contempt of Courts Act, 1971.

The Contempt Case is, accordingly, closed. Miscellaneous applications, if any, pending shall stand closed.

(RAMESH RANGANATHAN, J)

(T.RAJANI, J)

5th October 2018
RRB