

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE N.BALAYOGI

CONTEMPT CASE NO.1675 OF 2017

ORDER

(Per Hon'ble Sri Justice Sanjay Kumar)

This contempt case was instituted alleging willful disobedience to the order dated 30.03.2017 passed by this Court in W.P.M.P.No.10151 of 2017 in W.P.No.8222 of 2017. By the said order, this Court observed as under:

'As it is stated that no writ petition was filed against the order dated 10.06.2014 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.3517 of 2014 and that the authorities did not even file a miscellaneous application for vacating of the said order before the Tribunal before its abolition in so far as the State of Telangana is concerned, there shall be an interim direction as prayed for.'

After the abolition of the Andhra Pradesh Administrative Tribunal, Hyderabad, in so far as the State of Telangana is concerned, O.A.No.3517 of 2014 pending before the said Tribunal was transferred to the file of this Court and renumbered as WP (TR) No.2250 of 2017.

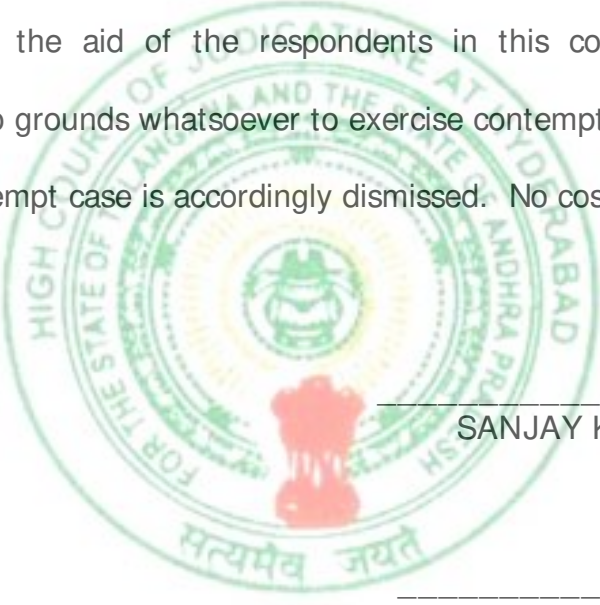
As the learned Government Pleader for Services contended that a wrong statement was made on facts before this Court on 30.03.2017 to the effect that no vacate stay application had been filed in O.A.No.3517 of 2014, the file relating to the said O.A., which now bears the case number WP (TR) No.2250 of 2017, was called for. Perusal of the said record reflects that the State of Andhra Pradesh filed a vacate miscellaneous application bearing V.M.A.No.1457 of 2014 in O.A.No.3517 of 2014 on 06.12.2014, while the State of Telangana filed vacate miscellaneous application bearing V.M.A.No.1348 of 2014 in O.A.No.3517 of 2014 on 20.11.2014. Both the miscellaneous applications bear the endorsement to the effect that the

learned counsel for the petitioners in this contempt case was served with copies thereof. It is therefore clear that a factually incorrect statement was made before this Court on 30.03.2017 with the sole intention of securing an interim order.

Section 13(b) of the Contempt of Courts Act, 1971 postulates that the Court may permit, in any proceeding for contempt of Court, justification by truth as a valid defence if it is satisfied that it is in public interest and the request for invoking the said defence is *bonafide*.

In the case on hand, it is clear that the interim order was secured from this Court by misrepresentation. In that view of the matter, this truth would come to the aid of the respondents in this contempt case. We therefore find no grounds whatsoever to exercise contempt jurisdiction.

The contempt case is accordingly dismissed. No costs.



SANJAY KUMAR, J

N.BALAYOGI, J

31st AUGUST, 2018

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