

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

THE HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON' BLE MS.JUSTICE J. UMA DEVI

CONTEMPT CASE No.91 OF 2017

Date:30.04.2018

Between:

A.Malli Babu S' o.(late) Nageswara Rao
R/ o.Visakhapatnam.

...Petitioner

Vs.

Mr.Umesh Singh, General Manager,
East Coast Railway, Bhubaneshwar, Odisha and others

.. Respondents

For Petitioner : M' s.D.V.Rao

For Respondents : Mr.R.S.Murthy
Gist :

Head Note :

Cases Referred : Nil



HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON' BLE MS.JUSTICE J. UMA DEVI

CONTEMPT CASE No.91 OF 2017

ORDER: (per V. Ramasubramanian, J)

The petitioner came up with the above contempt petition complaining of willful disobedience of the order passed by this Court in WP Nos.6005 and 34679 of 2011, dated 07.12.2016. The operative portion of the order passed by us reads as follows:

"Insofar as the second contention is concerned, we are not adjudicating upon who was meritorious and who was less meritorious. If there was a person, who was more meritorious than Mr.A.Malli Babu even among Scheduled Tribes, who participated in the same selection, at least that person should be included in the panel. Therefore, with the above observation, W.P.No.34679 of 2011 is disposed of, directing the Railway Administration to include the more meritorious person among the Scheduled Tribes in the said panel in the place of Mr.G.V.Ramana, but making it clear that the benefits will be prospective and not retrospective."

3. Contending that the aforesaid directions were not complied with, the petitioner has come up with the above contempt petition.

4. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

5. On 14.06.2017 when the matter came up, the learned Standing Counsel for the Railways took notice and produced a communication dated 30.03.2017. Therefore, we passed an order on 14.06.2017 to the following effect:

"Mr.R.S.Murthy, learned senior counsel for Railways, takes notice for the respondents. He produced a copy of the communication, dated 30.03.2017, addressed to him. As per the said communication, the Railway administration has claimed that necessary action is being taken to amend the panel first for deletion of the name of Mr.G.V.Ramana. With regard to a more meritorious candidate to be accommodated in the panel from among the Scheduled Tribes, it is claimed that no candidate belonging the

Scheduled Tribes is available. The petitioner is an open category candidate.”

6. Thereafter, the matter came up on 24.08.2017. On the said date, we passed the following order:

“The learned Standing Counsel for the respondents has produced a copy of the amended Panel deleting the name of Mr.G.V.Ramana. Still, there is a doubt whether the composition of the Panel should have 10 unreserved posts. If it should have 10 unreserved posts, then one unreserved candidate should also be included. The respondents are directed to explain in the form of a counter affidavit.

Post after two weeks.”

7. Now, the clarification that we sought, has been given in the form of a counter affidavit filed by the respondents 1 to 5. But, still it is contended by the learned counsel for the petitioner that a person, whose community certificate was cancelled, has now been included. But, these are the matters into which we cannot go in a contempt petition. Therefore, leaving it open to the petitioner to work out his remedies as against the order passed, this Contempt Case is closed.

8. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

J. UMA DEVI, J

April 30, 2018
KTL