

**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.2138 of 2017

Date:07.09.2018

Between:

G. Yadamma W/o. Late G. Yadagiri,
R/o.Ramayya Nagar, Near Pochamam Temple,
Kukatpally, Hyderabad and others.

... Petitioners

v.

Sri Chitra Ram Chandran, IAS,
The Vice Chairman & Housing Commissioner,
Telangana Housing Board, Hyderabad and others.

... Respondents

For Petitioners : Ms.A. Divya

For Respondents : A.K. Jayaprakash Rao

Gist : सत्यमेव जयते

Head Note :

Cases Referred :

C/15

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE MS.JUSTICE J. UMA DEVI

CONTEMPT CASE No.2138 OF 2017

ORDER: *(per V. Ramasubramanian, J)*

Contending that the pensionary benefits were not paid as per the statement made before this Court in a previous contempt petition, the petitioners have come up with this second contempt petition.

2. Heard Ms. A. Divya, learned counsel for the petitioner, Mr.A.K. Jayaprakash Rao, learned for the 1st respondent and Mr.D. Ranganath Kumar, learned counsel for the 2nd respondent.

3. The case has a chequered history. The petitioners are the wives of the deceased Work Charged Employees, who were engaged by the Andhra Pradesh Housing Board. When show cause notices were issued for the withdrawal of the pensionary benefits, the petitioners herein or their husbands, who were alive at that time, filed applications in O.A. Nos.2772 and 2861 of 2006 on the file of the Andhra Pradesh Administrative Tribunal. The prayer made by the petitioners or their husbands before the Administrative Tribunal comprised of two parts. The first part challenged the show cause notice seeking to discontinue the pensionary benefits. The second part sought a direction to the respondents to continue the pensionary payments as enjoyed by them till that date. The prayer in Original Application reads as follows:

“Application filed u/s.19 of the Administrative Tribunal Act 1985, praying this Tribunal to call for the records relating to the impugned Proc.No.10/06/CAO/2006 dated 19.4.2006 issued by the 2nd respondent and declare the decision in said notice to the discontinue the pension payable to the applicants which was earlier accorded as per law and G.O.Ms.No.130 dt.18.3.1981 and the proceedings of the Housing Board as arbitrary, and set aside the same and by directing the respondents to continue the pension payment which is enjoyed by the applicants till date.”

4. By a final order dated 08.12.2009, the Tribunal allowed the Original Applications. The operative portion of the order of the Tribunal reads as follows:

“In such circumstances, the impugned orders are set-aside. Accordingly, the O.As. are allowed. V.M.As. are closed. In view of the fact that it is mentioned in the counter that the applicants are being paid pension the C.As. are closed.”

5. As against the said order of the A.P. Administrative Tribunal, the A.P. Housing Board filed writ petitions in W.P. Nos.17094 and 17568 of 2010. These writ petitions, along with connected writ petitions, were dismissed by a Bench of this Court.

6. Contending that the respondents did not extend pensionary benefits as per the order of the Tribunal as confirmed by this Court, the petitioners came up with a contempt petition in CC No.2501 of 2015. When the contempt case came up for hearing, the standing Counsel for the Housing Board produced a copy of G.O.Ms.No.216, Municipal Administration, dated 30.05.2017, as per which the pensionary benefits to 48 Work Charged Employees were restored. Gaining an impression that the grievances of the petitioners stood redressed, this Court closed the contempt case by order, dated 09.06.2017. The order reads as follows:

“Mr.M.Ravindranath Reddy, learned standing counsel for the Andhra Pradesh Housing Board, produced a copy of G.O.Ms.No.216, Municipal Administration & Urban Development (UH) Department, dated 30.05.2017, provisionally ordering the restoration of pensionary benefits to the 48 Work Charged Employees. But since the calculation of the pensionary benefits and the actual payment may take some time, the Housing Board is granted about 12 weeks time for working out the benefits and for making payment.”

7. Contending that they are still paid a paltry amount as pension, which was sanctioned in the year 2004 and that they have not been paid pension on par with the regular government servants in accordance with G.O.Ms.No.216, dated 30.05.2017, the petitioners have come up with the present contempt petition.

8. But as we have pointed out earlier, the order passed in favour of the petitioners by the A.P. Administrative Tribunal comprised of two parts, with the first part setting aside the show cause notice for discontinuance of the pension and the second part directing the respondents to continue the pensionary benefits paid “*till that date*”.

9. It is true that by G.O.Ms.No.216, the pensionary benefits payable to the petitioners may have increased manifold. The petitioners may be entitled or may not be entitled. But that never became the subject matter of the dispute so far, to warrant a direction followed by a contempt. The contempt is confined only to the operative portion of the order which was not implemented and not to what the Court intended to grant. Therefore, leaving it open to the petitioners to work out their remedies, if they are entitled to anything

morethan what the Tribunal itself granted according to their prayer,
the contempt case is closed.

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

V. RAMASUBRAMANIAN, J

J. UMA DEVI, J

September 07, 2018

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