

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CONTEMPT CASE (TR) No.590 of 2017

ORDER:

Petitioner herein filed O.A.No.6243 of 2015 before the A.P. Administrative Tribunal, Hyderabad stating that he is entitled for compassionate appointment being the son of a deceased employee who worked as Full Time Daily Wage employee in a school which was under the control of the Chief Executive Officer, Z.P.P., Karimnagar and who had died on 31-05-2014. His claim was based on G.O.Ms.No.118 dt.18-08-1999.

2. The said O.A. was allowed on 06-11-2015 and a direction was given to the District Educational Officer, Karimnagar (1st respondent), the Chief Executive Officer, Zilla Parishad, Karimnagar (2nd respondent) and the District Collector, Karimnagar (3rd respondent) in the Contempt Case to consider the request of the petitioner for compassionate appointment as per the said G.O. within eight weeks.

3. Alleging that the said order was not complied with, he filed the Contempt Application No.609 of 2016 before the A.P. Administrative Tribunal, Hyderabad on 22-08-2016 alleging that the respondents in the Contempt Case had willfully disobeyed the order dt.06-11-2015 in O.A.No.6243 of 2015 and they have to be punished for committing contempt.

4. The said Application was transferred to this Court and re-numbered as C.C. (TR) No.590 of 2017 after the A.P.Administrative Tribunal's jurisdiction as regards the matters relating to the Telangana State came to an end.

5. After the Contempt Case was taken up, it was admitted on 14-09-2018 and notice in Form-I was issued to respondents and it was further directed that if the order was complied with, the Officers need not appear.

6. On 03-10-2018, proceedings No.A3/1/1400/2016 dt.03-10-2018 was passed by the 2nd respondent's successor rejecting the claim of petitioner for compassionate appointment. He held that petitioner's father was appointed on 30-01-1985 as Part Time Sweeper and as per G.O.Ms.No.112, Finance and Planning Department dt.23-07-1997 and he had not completed the total service of 10 years as on 25-11-1993; therefore he was not eligible for regularization; and on 18-07-2010, he was also informed by 2nd respondent that his services would not be regularized; and so, the petitioner is not entitled to be appointed under G.O.Ms.No.118 dt.18-08-1999.

7. The 2nd respondent also filed a counter-affidavit stating that his successor has passed the above order on 03-10-2018. In the said order, he also explained the reasons for the delay in passing the orders much later than the period fixed in the order dt.06-11-2015 in O.A.No.6243 of 2015.

8. According to him, he worked as Chief Executive Officer, ZPP, Karimnagar District from 06-02-2015 to 17-11-2016; that the copy of the order in O.A.No.6243 of 2015 was received by his Office on 11-02-2016, but it was not placed before him immediately and he came to know about the said orders only when the counter was prepared in October, 2016 in C.A.No.609 of 2016 in the O.A. According to him, counter in C.A.No.609 of 2016 was prepared but could not be filed because the Tribunal ceased to function by that time.

9. Admittedly the order in the O.A was passed by the Tribunal after hearing the Government Pleader for the respondents and in his presence. So knowledge of 2nd respondent's counsel is knowledge of the 2nd respondent. He cannot plead ignorance of the order in the O.A on the ground that it was not placed before him.

10. Even if he came to know about the order passed in O.A. No.6243 of 2015 on 06-11-2015 in October, 2016, since the 2nd respondent had continued in Office till 17-11-2016, nothing prevented the 2nd respondent from implementing the same before his term as Chief Executive Officer of 2nd respondent ZPP ended.

11. The 2nd respondent also stated that while working as Chief Executive Officer, ZPP, Karimnagar, he was holding additional charge of District Panchayat Officer, Karimnagar apart from being incharge Special Officer of IHHL Programme and Haritha Haram in addition to holding post of Electoral Registration Officer of

Vemulawada Assembly Constituency. He stated that because of holding additional charges as stated above, he was over burdened of duties and therefore failed to consider the direction contained in the order in O.A.No.6243 of 2015.

12. No material is placed by 2nd respondent in support of his claim that he held additional charge of other duties which prevented him from complying with the order passed in O.A.No.6243 of 2015.

13. It is unfortunate that the 2nd respondent has ignored implementation of the order passed by the Tribunal without satisfactory reason during his tenure as Chief Executive Officer, ZPP Karimnagar from 06-02-2015 to 17-11-2016.

14. Therefore, I hold that the 2nd respondent is guilty of willful disobedience of the order dt.06-11-2015 in O.A.No.6243 of 2015. He is sentenced to pay fine of Rs.1,500/- (Rupees Fifteen Hundred only) within four (04) weeks.

15. The Contempt Case is allowed as above. No costs.

16. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 20-11-2018

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