

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No. 2489 OF 2017

O R D E R:

The contempt petitioner, who was working as a Chief Executive Officer of the writ petitioner-M/s.Pandalapaka Primary Agricultural Cooperative Credit Society Limited (for short 'the Society') was dismissed from service in 2009. Challenging the same, he approached the designated authority under the Andhra Pradesh Shops and Establishments Act. Thereupon, the said authority passed order, dated 30.06.2012, directing the Society to reinstate the contempt petitioner with back wages. Against the said order, the Society filed an appeal before the appellate authority, who in turn dismissed the same on 12.04.2017. Challenging the order, dated 30.06.2012, as confirmed by the appellate authority, the Society filed W.P.No.32621 of 2017 before this Court. At the stage of admission, this Court passed the following interim order on 22.09.2017:

“There shall be interim stay of payment of back wages subject to the condition the petitioner reinstates the fourth respondent within one week from today.”

Alleging non-implementation of the above said order, the present contempt case is filed.

Learned counsel for the petitioner submits that after filing the contempt case, the contempt petitioner joined duty on 20.12.2017. However, the respondent has neither reinstated the petitioner as Chief Executive Officer of the Society, the post which

he was holding prior to his dismissal, nor given any work to him. He also submits that this Court granted stay with regard to payment of back wages but not the salary and other emoluments to the contempt petitioner. Hence, the respondent is liable to be prosecuted for contempt of Court.

The respondent filed a counter-affidavit stating that the order of this Court has been implemented and as a matter of fact, the contempt petitioner has not been attending the office and a reminder was also communicated to him on 15.12.2017.

The contempt petitioner filed a reply affidavit stating that though he joined duty on 20.12.2017, he was not allowed to occupy the seat of the Chief Executive Officer; that he was directed to sit outside the office, that too, in Veranda, near fertilizer godown, by providing a chair only without any table, fan and light and he was made to give way very often to the Society members who came to load and unload the fertilizer bags; that his name was not entered in the attendance register and that he was not paid salary from the date of reinstatement till date.

The fact remains that on 22.09.2017, while admitting the writ petition filed at the instance of the Society, this Court passed the aforesaid interim order, as it was not brought to the notice of this Court that the contempt petitioner had attained the age of superannuation. In view of the same, the interim order passed by this Court virtually could not be implemented, as such, it cannot be said that there is violation on the part of the respondent.

The learned counsel for the contempt petitioner contends that the respondent or the Society did not seek modification of the order of this Court and the contempt petitioner was deprived of the benefit with respect to payment of back wages. This contention is liable to be rejected, as it is in the realm of speculation. As the petitioner was not in service on account of his reaching superannuation, the interim order passed, that too at the instance of the Society is superfluous. In those circumstances, it cannot be said that there is violation on the part of the respondent.

The contempt case is accordingly closed. This order shall not preclude the petitioner from seeking payment of salary, if any, for the period, which he alleged to have worked, in the pending writ petition.

Consequently, miscellaneous applications, if any shall stand closed.

CHALLA KODANDA RAM, J

Dt:07.06.2018

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