

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

CONTEMPT CASE No.2578 of 2017

ORDER :

The contempt case is filed alleging violation of the orders dated 07.09.2017 passed by this Court in WP.No.29632 of 2017. The order passed by this Court on 07.09.2017 in WP.No.29632 of 2017 is as follows;

“The writ petition is disposed of directing the 1st respondent to dispose of representation dated 09.05.2017, said to have been submitted by the petitioner by taking into consideration the order dated 26.04.2017 passed by this Court in CrI.R.C.No.247 of 2013, within a period of two months from the date of receipt of a copy of this order. In the meanwhile, if the Board is constituted, the appeal filed by the petitioner shall be disposed of taking into consideration the order of this Court dated 26.04.2017 in CrI.R.C.No.247 of 2013.”

Heard party-in-person who submits that petitioner was Grade-I Vocal Artist for the last 16 years; that the respondents dismissed him from service on the ground of conviction in Criminal Case against him; and that as he was acquitted in the Criminal Revision Case No.247 of 2013 the respondents passed order dated 19.12.2017 by modifying the earlier order of dismissal from service to that of reduction to a lower rank i.e. ‘Sruthiman’ (initial appointment), which is erroneous.

On the other hand Sri A.K.Jayaprakash Rao, learned Standing Counsel for the respondent submits that this Court in WP.No.29362 of 2017, only directed the respondents to consider the representation of the petitioner; and that the respondents sympathetically considered the petitioner’s representation and issued proceedings dated 19.12.2017, hence, there is no violation

of orders of this Court. He also submits that after conviction of petitioner in Criminal Case, an independent enquiry was conducted and orders of dismissal were passed.

It is to be seen that proceedings dated 19.12.2017 were issued in pursuance to the orders passed by this Court in WP.No.29362 of 2017, considering the representation of the petitioner. Though party-in-person tried to challenge the correctness of the said order dated 19.12.2017, this Court cannot go into the said aspect in the Contempt Case. In view of the same, I do not see any violation committed by the respondents in implementing the orders dated 07.09.2017 in WP.No.29362 of 2017.

Accordingly, the Contempt Case is closed. However, it is open for the petitioner to challenge the proceedings dated 19.12.2017 vide Roc. No.B2/10017/2017, in accordance with law. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the Contempt Case, shall stand closed.

A.RAJASHEKER REDDY, J

19.01.2018
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