

HONOURABLE SRI JUSTICE M.S. RAMACHANDRA RAO

CONTEMPT CASE No.249 of 2019

ORDER:

This Contempt Case is filed by the petitioners alleging wilful disobedience of the order dated 09.11.2018 in I.A. No.1 of 2018 in W.P. No. 39343 of 2018.

2. The order which was passed in the said I.A. is as under:

“Sri B. Mayur Reddy, learned counsel, takes notice for 1st respondent. Sri Y. Ravindra, learned counsel, takes notice for respondent Nos.2 to 4.

There shall be interim direction to the 2nd respondent to consider representations dt.19.04.2018 submitted by the petitioners within six weeks and communicate his decision to the petitioners.”

3. Since the said order was not complied with within the period specified therein, and the petitioners had also given a representation on 21.11.2018 which was not been acted upon, this Contempt Case was filed by the petitioners on 19.02.2019.

4. Notice was issued to the respondents on 18.03.2019 and Sri T. Balaji, learned Standing Counsel filed appearance for the respondent on 30.04.2019.

5. Only on 22.04.2019, the representations of the petitioners were disposed of by the Assistant P.F. Commissioner, Regional Office at Hyderabad, long after the six week time limit fixed had expired.

6. In the counter-affidavit filed by the respondent, the following reason is assigned:

“I respectfully submit that our Counsel Sri Y. Ravindra informed us about the interim order passed by the Hon’ble Court in the above said writ petition on 06.12.2018. However, it is humbly submitted that due to bifurcation of the Hon’ble High Court of Andhra Pradesh at Hyderabad into two High Courts while bifurcating the files the present file was misplaced and it was traced and placed the said file before me on 19.04.2018, immediately I have gone through the entire file and noticed that the petitioners case was examined in the year 2008 and they are being paid the Higher wage pension in the year 2008 itself. On seeing above fact I have informed the petitioners on 2.04.2019 that their case has been considered in the year 2008 itself and accordingly I have directed the concerned officials to intimate the same to the petitioners and the same was intimated to the petitioners on 22.04.2019. Hence, while passing the above orders there is no wilful disobedience nor wanton, for the reasons mentioned above, in view of the bifurcation of the files in the office, the delay in passing the above said orders is neither wilful nor wanton.”

7. There is no material placed before this court by the respondent to show that the interim order passed by this court on 09.11.2018 had been communicated by its counsel Sri Y. Ravindra only on 06.12.2018. In any event, when the said order was passed in the presence of the counsel, the respondent is deemed to be aware of it on the date when it was passed on 09.11.2018, and so he should have taken steps to comply with it within the six weeks period prescribed therein.

8. Bifurcation of the High Courts at Hyderabad into two separate courts at Amaravathi for the State of Andhra Pradesh and at

Hyderabad for the State of Telangana would have no relevance because the said bifurcation took place with effect from 01.01.2019.

9. If the file had been misplaced as is alleged by the respondent, nothing prevented the respondent from getting papers from the counsel who appeared for the respondent in the Writ Petition in order to take action to comply with the said order. Thus there is no satisfactory explanation for the delay on the part of the respondent in complying with the order dt.09.11.2018 in I.A. No.1 of 2018 in W.P. No.39343 of 2018.

10. Also, all the petitioners are Senior Citizens and had been struggling to get the enhanced pension and the respondent should have atleast kept that in mind and taken quick action when he came to know about the order passed by this court on 06.12.2018..

11. The Contempt Case is allowed and the respondent is held to have committed wilful disobedience of the order passed by this court on 09.11.2018 in I.A. No.1 of 2018 in W.P. No.39343 of 2018. He is sentenced to pay a fine of Rs.500/- within four weeks from the date of receipt of copy of this order and in default thereof, the respondent shall suffer Simple Imprisonment for one month.

12. Miscellaneous petitions pending, if any, shall stand closed. No costs.

M.S. RAMACHANDRA RAO, J

Date: 13.08.2019

MRKR