

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Contempt Case No.1106 of 2018

ORDER :

Heard both sides.

2. This Contempt Case is filed to punish the respondents for willful disobedience of the order dt.06.06.2017 passed by this Court in W.P.M.P.No.30957 of 2015 in Writ Petition No.23878 of 2015.

3. The said Writ Petition had been filed by petitioner challenging the action of 2nd respondent in issuing proceedings dt.20.06.2015 purporting to suspend petitioner from the services of the Mahatma Gandhi University (for short, 'the University') by applying C.C.A. Rules to Government Employees.

4. On 06.06.2017, in W.P.M.P.No.30957 of 2015 in Writ Petition No.23878 of 2015, this Court passed the following order :

"Prima facie, the order placing the petitioner under suspension cannot be sustained since the allegation leveled against the petitioner is of dowry harassment by his wife in respect of which a criminal case is said to have been filed by her. In spite of giving opportunity to the respondents to satisfy whether the CCCA rules apply to the 1st respondent-Organization, no material has been placed on record by them.

Therefore, there shall be interim suspension as prayed for."

5. This Court thus suspended the impugned proceedings dt.20.06.2015 issued by the Principal, Mahatma Gandhi University, Yellareddyguda, Nalgonda, Nalgonda District.

6. In spite of the suspension of the said order, the respondents have not chosen to reinstate the petitioner.

7. It is also not in dispute that no application to vacate the above interim order has been filed by the respondents, and no appeal has also been filed by them challenging the said order.

8. The petitioner had given representations on 09.06.2017 to the 2nd respondent and to 1st respondent, and again on 07.07.2017 to both respondents, but no action has been taken by respondents.

9. Thereafter, the petitioner filed the present Contempt Case.

10. Notice in the Contempt Case was ordered to respondents on 19.03.2019, and after service of such notice Ms. Naseeb Afshan filed *Vakalat* on behalf of 1st respondent on 04.04.2019.

11. The 2nd respondent has also been served through the Principal District and Sessions Judge, Nalgonda on 04.04.2019.

12. On 12.04.2019, this Court directed the matter to be listed on 22.04.2019 in the 'Motion List' for filing counter by respondents. But, no counter-affidavit was filed by the respondents.

13. On 22.04.2019, as a last chance time was granted upto 25.04.2019 to the respondents to file counter.

14. The matter was next listed on 26.04.2019, but the counsel for respondents was absent. So, the right of the respondents to file counter-affidavit has been forfeited.

15. The case was next listed on 01.05.2019. On that day also, the counsel for respondents was absent. Therefore, Notice on that day in Form-I was directed to the respondents for their appearance on 28.06.2019. The said notice was also received by both of them on 22.05.2019.

16. On 28.06.2019, the counsel for 1st respondent filed an affidavit stating that the 1st respondent is unwell and is unable to attend the Court pursuant to the orders dt.01.05.2019 in the Contempt Case. No application was filed on behalf of 2nd respondent to dispense with her presence and she was not present.

17. The presence of the 1st respondent was dispensed with on 28.06.2019 and the matter was directed to be listed on 05.07.2019.

18. The 2nd respondent did not appear on any date before this Court.

19. The case was then listed on 11.07.2019 on which day the Registrar of the 1st respondent-University appeared and stated that there is only an In-Charge Vice-Chancellor to the University and the matter would be placed in the next meeting of the Executive Council, and only then it would be possible to implement the order dt.06.06.2017 passed by this Court in W.P.M.P.No.30957 of 2015 in Writ Petition No.23878 of 2015.

20. When the said order has been passed on 06.06.2017, the respondents cannot plead that they could not implement the same for

more than two (02) years, and seek to get away without reinstating the petitioner into service by giving the above reasons.

21. Whether or not there is a regular Vice-Chancellor to the 1st respondent-University, the 1st respondent as well as the 2nd respondent should have obeyed the order passed by the Court and immediately reinstated the petitioner.

22. Accordingly, the Contempt Case is allowed with costs of Rs.20,000/- to the petitioner.

23. The respondents are granted four (04) weeks time from today to comply with the order dt.06.06.2017 passed by this Court in W.P.M.P.No.30957 of 2015 in Writ Petition No.23878 of 2015, and reinstate the petitioner into service with effect from the date of the interim order and pay him salary from the said date till date with interest @ 7% p.a from the date on which the monthly salary fell due till date of payment. If not, the respondents shall suffer simple imprisonment for a period of two (02) weeks, and shall also pay fine of Rs.2,000/-. The sentence of imprisonment imposed on respondents shall stand suspended for a period of eight (08) weeks.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 24.07.2019

Ndr/*