

HONOURABLE SRI JUSTICE P. NAVEEN RAO

CONTEMPT CASE No.1767 of 2017

Date : 4.4.2019

Between:

Petitioner

And

Respondents

The Court made the following:



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ORAL ORDER:

Petitioner claims that he was appointed as 'Cultural Artist' vide proceedings 30.3.2015 and alleges that though consequently he has reported to duty, he was not assigned duties and was not paid pay and allowances. Ventilating his grievances, he made representation dated 2.1.2016. Alleging no decision was made, W.P. No. 43380 of 2016 was filed. Taking due note of the facts, the writ petition was disposed of by order dated 27.3.2017 directing consideration of the representation of petitioner dated 2.1.2016 and to pass appropriate orders and communicate the decision to the petitioner within a period of six weeks from the date of receipt of copy of the said order. Alleging disobedience of the said orders, this contempt case is filed.

2. Along with the counter affidavit, letter of the Member Secretary, Telangana Samskruthika Sarathi dated 3.11.2017 is enclosed, whereby, petitioner was informed that he did not report to duty after he received the appointment letter and that there was no specific order from the Government for filling up of the vacant posts.

3. Further, it is appropriate to note that W P (PIL) No. 320 of 2017 was instituted challenging the action of Telangana Samskruthika Sarathi with reference to appointments made to the posts of 'Cultural Activists'. In all 550 persons were appointed as Cultural Activists. The action of the Telangana Samskruthika Sarathi was challenged on the ground that appointments to the public posts require selection process and same was not followed and appointments were made on pick

and choose method. By the time W P (PIL) No. 320 of 2017 was considered, 550 persons have assumed the office and were working. The Division Bench found that said appointments are not in accordance with the procedure required to make appointments to the public posts, therefore, directed Telangana Samskruthika Sarathi to notify all the posts of artists in its service and carry on the requisite selection in terms of what was stated in the order. The Division Bench also directed to give opportunity to all 550 persons who are already in office, to compete in such selection process.

4. Learned counsel for petitioner sought to contend that if only petitioner was appointed and directions of this Court were complied with immediately before the decision was made by the Division Bench in WP (PIL) No. 320 of 2017, he would have also enjoyed the same benefits as extended to other 550 persons and on account of inordinate delay by respondents, petitioner cannot be put to disadvantage compared to those 550 persons who were selected.

5. Petitioner herein is claiming appointment as Artist in terms of the selections which were held to be bad by the Division Bench. There is merit in the submission of counsel for petitioner on delay in taking decision by the competent authority as directed by the Court. Delay is not satisfactorily explained. While counsel for petitioner claims that he had reported to duty, respondent rejected the application holding that he did not report. However, at this stage, even assuming that petitioner reported to duty and that disposal of his representation was not validly made, respondents cannot be mulcted for contempt. Further, on prima facie reading of paragraph 8 of the order of the Division Bench, it is seen

that Division Bench directed to give opportunity to 550 persons who were in office to compete for selection and no relaxation on eligibility was given to said 550 persons. Learned Government Pleader also informs the Court that only on fulfillment of the required selection criteria, candidates would be considered.

6. In the facts of this case, it would suffice to dispose of the contempt case directing the respondents to extend the same benefit to the petitioner as extended to 550 persons who were stated to be in office as on the date of disposal of WP (PIL) No. 320 of 2017 in the selection process, if selection process is not completed by now. Miscellaneous petitions, if any pending, are closed.

DATE: 4-4-2019
TVK

P NAVEEN RAO,J

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