

HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

CONTEMPT CASE NO.257 OF 2013

16.12.2019

Between:

V. Venkanna and others

...Petitioners

and

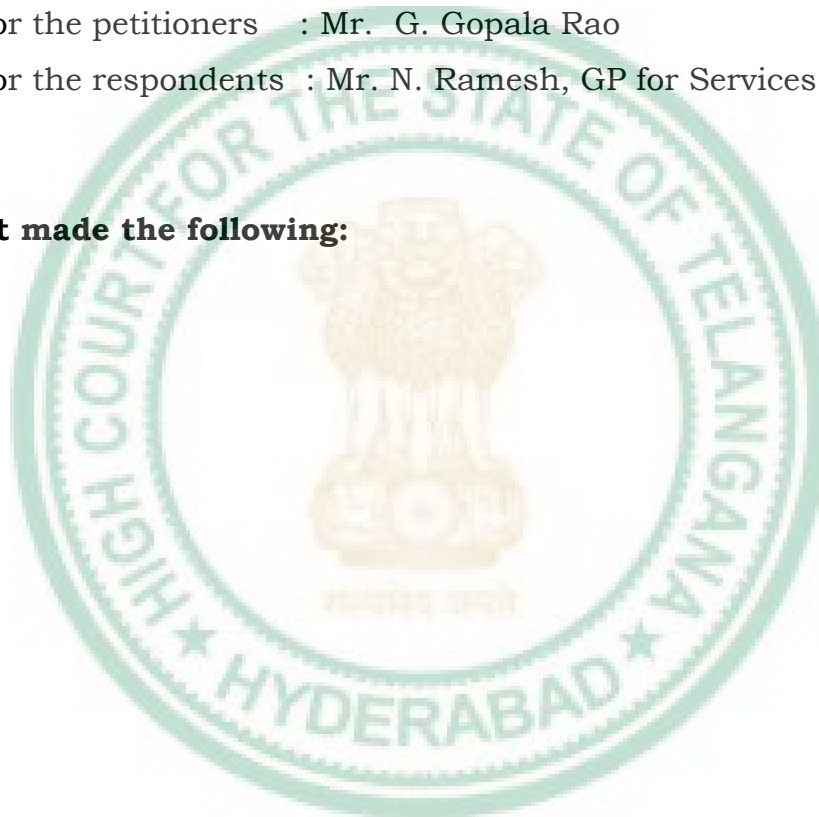
The Government of Andhra Pradesh and others

...Respondents

Counsel for the petitioners : Mr. G. Gopala Rao

Counsel for the respondents : Mr. N. Ramesh, GP for Services

The Court made the following:



ORDER: (Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)

The present contempt petition has been filed, *inter alia*, on the ground that the direction issued by a learned Coordinate Bench on 24.08.2009 in W.P.No.7201 of 2002 has not been complied with.

By the said judgment, the learned Coordinate Bench had passed the following order:-

"Accordingly, the writ petition is disposed of directing the writ petitioners to consider the cases of respondents for regularisation in terms of G.O.Ms.No.212, dated 22.4.1994, and in the light of the aforesaid judgment of the Supreme Court, and as such, the order passed by the Tribunal is set aside. No order as to costs."

Mr. G. Gopala Rao, the learned counsel for the complainants, submits that the complainants are entitled to be regularised on different posts. However, despite the clear-cut direction to consider the complainants' cases for regularisation, in terms of G.O.Ms.No.212 dated 22.04.1994, the same has not been carried out. Therefore, according to the learned counsel, contempt is clearly made out.

On the other hand, Mr. N. Ramesh, the learned Government Pleader for Services appearing for the alleged contemnors, submits that although vacancies have arisen, the cases of the complainants cannot be considered, as they do not fall within the zone of consideration. But as and when vacancies do arise, and the complainants do fall within the zone of consideration, their cases shall be considered by the alleged contemnors in future. In order to buttress this plea, the learned counsel has filed a statement of vacancy positions for the post of Sweeper in the Districts of Nalgonda, Suryapet and Yadadri, the three Districts which were carved out of the former Nalgonda District. According to the statement, while there are eleven posts of Sweepers vacant in the Nalgonda District, there are twenty-seven vacancies in Suryapet District and seven vacancies in Yadadri District. Thus, in total, there are 45

vacancies. However, the complainants are in between Serial Nos.65 to 80. Furthermore, the complainant No.4, G.Buchaiah, had already expired. Since only forty-five vacancies exist, the cases of the complainants, who are lower in the seniority list, cannot be considered presently. However, the learned counsel for the alleged contemnors gives an undertaking that, as and when vacancies do arise, the cases of the complainants shall certainly be considered by the alleged contemnors.

Heard the learned counsel for the parties.

The very question of considering the cases of the complainants would arise, if only vacancies are available. Presently, since there are no vacancies available, against which the complainants can be considered, in the opinion of this Court, no contempt is made out.

Therefore, the present contempt case stands disposed of. There shall be no order as to costs.

The miscellaneous petitions pending, if any, shall stand closed.

RAGHVENDRA SINGH CHAUHAN, CJ

A. ABHISHEK REDDY, J

16th December, 2019
JSU

High Court for the State of Telangana**THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN****AND****THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY****CONTEMPT CASE NO.257 OF 2013****(Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)****Date: 16.12.2019****JSU**