

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

CONTEMPT CASE No.3303 OF 2018

ORDER:

On 5.9.2018, this Court by order in I.A.No.1 of 2018 in W.P.No.30831 of 2018 passed the following order:

“Subject to petitioner joining in the place of posting on promotion and joining time is still available, respondents are directed to examine the feasibility of considering the representation of petitioner dated 18.8.2018”.

2. Alleging that though a request was made to relieve, petitioner was not relieved and the request made by the petitioner on 18.8.2018 for retention was not considered, thereby the respondents have violated the orders of this Court dated 5.9.2018, this contempt case is filed.

3. Along with the counter affidavit deposed by Dr.K.Ramesh Reddy, Director of Medical Education, speaking order dated 24.11.2018 is enclosed. A reading of the said order would disclose that the request of the petitioner for retention was rejected primarily on the ground that the petitioner did not got herself relieved and joined in the place of posting and that there is requirement of services of the petitioner in the newly established Medical Colleges and several others seniors to the petitioner were sent out from the city of Hyderabad.

4. This Court is not expressing any opinion on the reasons assigned by the Director of Medical Education in proceedings dated 24.11.2018. Suffice to note that as per the orders of this Court, the petitioner was required to join in the place of posting on promotion if

joining time was still available and on such compliance by the petitioner, respondents were directed to examine the feasibility of considering the representation of petitioner dated 18.8.2018.

5. Admittedly, petitioner did not join, therefore, the respondents cannot be held as violated the orders of this Court. Though petitioner may have valid explanation for not joining as contended by the learned counsel, so far as contempt proceedings are concerned, firstly the respondents have already passed order on 24.11.2018 and secondly the action of the respondents cannot be held as deliberate violation of the order passed by this Court on 5.9.2018.

5. Therefore, the Contempt Case is closed leaving it open to the petitioner to work out the remedies as available to her under law. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Date: 30.4.2019
DA

P. NAVEEN RAO, J

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30.4.2019

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