

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.97 OF 2019

DATED : 31.01.2020

Between :

Zubair Ahmed Khan S/o.Iqbal Khan,
Aged about 40 yrs, Occu : Senior Assistant,
O/o.DMHO, Armoor, Nizambad District,
Now posted to PP Unit Nizambad,
Nizambad District.

.....Petitioner

And

Smt Shanthi Kumari, I.A.S,
Principal Secretary to
Medial & Health Department,
Secretariat, Hyderabad & others.

.....Respondents



The Court made the following:

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.97 OF 2019

ORDER:

Petitioner filed W.P.No.23605 of 2018 challenging that even though he has opted four places for transfer in the transfer counseling conducted by the Department, he was given the least opted place i.e., P.P. Unit, Nizambad.

2. When the matter was taken up for consideration, petitioner represented that his representation dated 20.06.2018 seeking transfer on personal grounds to any of the three other places that were mentioned in his representation may be considered.

3. Taking note of the said request, the Writ Petition was disposed of on 19.07.2019, directing the respondent-Director, to consider the request of petitioner, to accommodate him, in any of the three other places opted by him, if they are vacant, as narrated in his representation dated 20.06.2018. Alleging that the said orders are disobeyed, this contempt case is filed.

4. Along with the counter affidavit, a copy of the proceedings dated 07.09.2018 is enclosed. By this proceedings, the petitioner was informed that the Director could not consider his request, as the transfer process was completed on 20.06.2018, and ban on transfers was imposed by the Government and during the ban period, the Director is not competent, to affect transfers.

5. Learned counsel for the petitioner sought to contend that this order is in violation of the directions of this Court. As the Court passed orders after the ban came into force, the

respondent-Director, ought to have considered the directions issued, notwithstanding the ban imposed. He also points out to the averments in Paragraph No.6 of the Counter affidavit, filed by the Director, wherein it was asserted that as an appointing authority, he has prerogative to forward the application to Government or not.

6. As can be seen from the directions issued, the Court only directed consideration of request of the petitioner made in his representation dated 20.06.2018, to accommodate him in any other three places mentioned in the representation, if they are vacant. The Court has not taken note of the factum of imposing ban on transfers and no direction was issued to consider the claim of petitioner by relaxing the ban on transfers. Therefore, it cannot be said that the reply given by the Director, would be amounting to deliberate and willful disobedience of the directions of the Court, warranting initiation of contempt proceedings.

7. Accordingly, the Contempt Case is closed, leaving it open to the petitioner to work out his remedies, as available in law, if so advised. Pending miscellaneous petitions, if any, shall stand closed.

31st January, 2020
Rds

P.NAVEEN RAO,J