

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.1754 OF 2018

DATED : 31.01.2020

Between :

P.Satyanarayana S/o.Jagdhishwar,
Aged about 32 yrs, Occu : Removed Home Guard,
HG No.614, MT Section, AR Hqrs, Nizamabad,
R/o.Lingampet Village and mandal,
Nizambad District.

.....Petitioner

And

S. Rajiv Trivedi,
Principal Secretary, Home Department,
State of Andhra Pradesh, now Telangana,
Secretariat Buildings, Hyderabad & others.

.....Respondents



The Court made the following:

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CONTEMPT CASE No.1754 OF 2018

ORDER:

This contempt case is filed for willful disobedience of the order dated 21.06.2017 passed in W.P (Tr) No.173 of 2017 by the respondents.

2. This Court having found that the order of termination from service of Home Guard, was contrary to law laid down by the Division Bench in the **State of Andhra Pradesh Vs P.Prasad Rao¹**, the Writ Petition (Tr) was allowed; the order of termination was set aside and directions were issued to restore the petitioner as Home Guard, but denied payment of wages for the period he was out of service. Writ Appeal filed against the said order was dismissed by the Division Bench of this Court. Aggrieved thereby, SLP (Civil) No(s).5518-5519 of 2019 was filed before the Hon'ble Supreme Court. The SLP was dismissed, by order dated 25.02.2019, in terms of the earlier order dated 14.12.2018 in SLP (C) Diary No.45455 of 2018. In the earlier order of the Hon'ble Supreme Court, the Supreme Court modified the directions issued by the High Court, permitting the respondents to undertake physical test to ascertain their fitness before being reinstated into service.

3. According to learned Special Government Pleader, in compliance of the earlier order issued, petitioner was reinstated on 20.02.2019. But after the disposal of the said S.L.P., on 25.02.2019, petitioner was subjected to physical test on 25.03.2019, but he failed in the physical test. He would

¹ 2012 (1) ALD 76 (DB)

therefore, submit that the question of continuing the petitioner as Home Guard does not arise, as he failed in physical test.

4. In view thereof, it cannot be said that there is violation of the directions of this Court, warranting initiation of contempt proceedings. Contempt case is accordingly closed. Pending miscellaneous petitions, if any, shall stand closed.

31st January, 2020
Rds

P.NAVEEN RAO,J

