

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CONTEMPT CASE No. 2329 of 2018

ORDER:

This Contempt Case is filed alleging violation of the order dt.26.04.2018 passed in IA.No.1 of 2018 in WP.No.36041 of 2015, wherein and whereby this Court passed the following order;

“However, it is stated that the 2nd respondent has sent proposals to the Government for sanction of grant-in-aid, the 1st respondent is directed to take a decision on the said proposals in accordance with the law and basing on the decision, appropriate action for payment of salaries may be taken since it is stated that the petitioners have not been paid salaries from April, 2015 to February, 2017.”

Learned Counsel for the petitioners submits that though petitioners worked and the same is acknowledged by the 5th respondent; and that though proposals were sent by the 2nd respondent in the writ petition i.e. Joint Director (RS&SP) for Commissioner Health & Family Welfare, Hyderabad, for release of grant-in-aid, to the 1st respondent who is the sole respondent in this Contempt case, the 1st respondent without proper application of mind, rejected the same, which is in violation of the orders passed by this Court in the writ petition. He also submits that the 1st respondent (sole respondent herein) has not considered the proposals sent by the 2nd respondent in the writ petition, in accordance with law. He relies on the Judgments in *Kapila Hingorani v. State of Bihar [(2003) 4 SCALE 712]* and in *Nameirakpam Thoibi Devi v. State of Manipur and others [2013(3)*

GauLR 43] and submits that once the petitioners have worked, the respondents cannot refuse to pay salaries to the petitioners and that the 1st respondent (sole respondent herein) cannot reject the proposal sent by the 2nd respondent in the writ petition.

On the other hand, learned Government Pleader for Services-II submits that the direction was to the 1st respondent (sole respondent herein) to take a decision on the proposal sent by the 2nd respondent in the writ petition; and that 1st respondent has considered the same and issued Memo No.758/F2/2018, dated 28-09-2018, as such, there is no violation of the orders passed by this Court.

In this case it is to be seen that this Court in IA.No.1/2018 in WP.No.36041/2015, passed order directing the respondent herein to take a decision on the proposal sent by the 2nd respondent, in accordance with law and basing on the decision, take appropriate action for payment of salaries to the petitioners since it is stated that the petitioners have not been paid salaries from April, 2015 to February, 2017.

In pursuance to the said order, the 1st respondent (sole respondent herein) considered the proposal sent by the 2nd respondent in the writ petition and issued Memo No. 758/F2/2018, dated 28-09-2018.

Though learned counsel for the petitioners tried to canvass the correctness of the order passed by the 1st respondent, the said aspect cannot be decided in the Contempt Case.

Though counter, reply and additional reply affidavits are filed, the crux of the order passed in the writ petition is that the 1st respondent (sole respondent herein) is to consider the proposals sent by the 2nd respondent. The 1st respondent considered the said proposals and issued Memo No. 758/F2/2018, dated 28-09-2018. As such, this Court feels that there is no violation on the part of the respondent. If petitioners feel that the said Memo issued by the 1st respondent (sole respondent herein) is not in accordance with law, it is open for the petitioners to challenge the same.

Accordingly, the Contempt Case is closed. However, liberty is granted to the petitioners to challenge the said Memo No. 758/F2/2018, dated 28-09-2018, issued by the 1st respondent (sole respondent herein), in accordance with law. No order as to costs.

As a sequel to the disposal of this petition, miscellaneous applications, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

07.01.2020
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