

**THE HONOURABLE SRI JUSTICE M.S. RAMACHANDRA RAO**

**Contempt Case No.3150 of 2018**

**ORDER :**

This Contempt Case is filed by the petitioner alleging willful disobedience of the order dt.01.02.2018 passed in Interlocutory Application Nos.1 and 2 of 2018 in Writ Petition No.2565 of 2018.

2. In the main Writ Petition, the petitioner had questioned G.O.Ms.No.2 Transport, Roads and Buildings (S&V) Department dt.18.01.2018 issued by the Principal Secretary, for the State of Telangana, Roads and Buildings (S & V) Department, Secretariat, Hyderabad and also the proceedings in G.O.Ms.No.2 Tribal Welfare (LTR) Department dt.10.01.2018, issued by the Tribal Welfare Department of the State of Telangana.

3. Under the latter order, the Tribal Welfare Department had determined that the petitioner, who was employed as District Transport Officer at Jogulamba Gadwal Village, had obtained employment as Junior Assistant on 22.05.1987 against the Roster Point No.33 meant for Schedule Tribe category falsely claiming that she belongs to *Konda Kapu* caste and rejected the Appeal No.6892 of 2017 filed by her under the Andhra Pradesh (S.C., S.T. & B.C.) Regulation of Issue of Community Certificates Act, 1993 confirming the order of the District Collector, Ranga Reddy District in proceedings No.C2/841/2007 dt.17.02.2010.

4. On the basis of the said order, the Principal Secretary, for the State of Telangana, Roads and Buildings (S & V) Department, Secretariat, Hyderabad, had issued G.O.Ms.No.2 dt.18.01.2018 terminating the services of petitioner and also directed her prosecution under Section 182 and 420 of Indian Penal Code.

5. After elaborately considering the matter and after hearing the counsel for petitioner and the Special Government Pleader, represented by the Additional Advocate-General for respondent nos.1 to 5 in the Writ Petition, and also Sri M. Surendra Rao, learned Senior Counsel for 7<sup>th</sup> respondent in the Writ Petition, this Court passed order on 01.02.2018 in Interlocutory Application Nos.1 and 2 of 2018 in Writ Petition No.2565 of 2018 suspending G.O.Ms.No.2 Tribal Welfare (LTR) Department dt.10.01.2018, issued by the Tribal Welfare Department of the State of Telangana, and also suspending G.O.Ms.No.2 Transport, Roads and Buildings (S&V) Department dt.18.01.2018 issued by the Principal Secretary, for the State of Telangana, Roads and Buildings (S & V) Department, Secretariat, Hyderabad.

6. Since the said order had not been implemented on 28.11.2018, the present Contempt Case has been filed alleging willful disobedience of the above order.

7. It is the contention of the Counsel for petitioner that petitioner was not allowed or permitted to join the service in spite of repeated

representations dt.26.02.2018, 02.03.2018, 28.04.2018, 30.05.2018, 02.06.2018 and 22.06.2018.

**8.** '*Notice Before Admission*' was ordered in the Contempt Case on 30.11.2018.

**9.** After service of notice on the respondents, time was sought on 14.06.2019 and 22.08.2019 to file counter-affidavit in the Contempt Case.

**10.** On 18.10.2019, Notice in Form-I was issued to the 2<sup>nd</sup> respondent since the interim order dt.01.02.2018 passed in Interlocutory Application Nos.1 and 2 of 2018 in Writ Petition No.2565 of 2018 was not implemented.

**11.** On 21.11.2019, the 2<sup>nd</sup> respondent appeared and he was granted three (03) weeks' time to comply with the order dt.01.02.2018 passed in Interlocutory Application Nos.1 and 2 of 2018 in Writ Petition No.2565 of 2018 without prejudice to his rights in the Writ Petition cautioning him that otherwise serious view in the matter would be taken.

**12.** When the matter was next listed on 13.12.2019, this Court was informed that Vacate Stay Application, viz., I.A.No.1 of 2019 was filed by the respondents in the Writ Petition.

**13.** Therefore, this Court directed the Contempt Case to be listed along with the said vacate stay application after obtaining orders from the Hon'ble The Chief Justice.

**14.** But, when the matter was listed on 27.12.2019, the vacate stay application was not listed along with the Contempt Case.

**15.** Since the Court was apprised of the fact that the Hon'ble Chief Justice, as Master of the Roster, has taken a decision not to post the vacate stay applications along with the Contempt Cases, the Court is disabled from hearing the vacate stay applications.

**16.** Accordingly, the Contempt Case was adjourned by three (03) weeks with a direction to the respondents in the Contempt Case to ensure that the vacate stay application filed by them in September, 2019 was decided before 24.01.2020, and the matter was posted to 24.01.2020. It was also made clear that the Contempt Case would be decided on merits on the said date whether or not the vacate stay application is decided by then.

**17.** When the matter was next listed on 24.01.2020, the Special Government Pleader, appearing for respondents, stated that the vacate stay application could not be decided by the learned single Judge within the time frame fixed by the Court. Therefore, the order in the Contempt Case was reserved.

**18.** I had already set out the pleadings in the Contempt Case.

**19.** In the counter-affidavit filed by the respondent nos.2 and 3 in the Contempt Case, the facts leading to the passing of the impugned G.O.'s are set out in *extenso*. It was pointed out that Writ Appeal Nos.175 and 214 of 2018, apart from Writ Appeal No.770 of 2018,

was filed against the interim order dt.01.02.2018 passed in Interlocutory Application Nos.1 and 2 of 2018 in Writ Petition No.2565 of 2018. But the Division Bench disposed of the same requesting the main Writ Petition to be decided within six (06) months. The interim order granted in Interlocutory Application Nos.1 and 2 of 2018 in Writ Petition No.2565 of 2018 was not interfered with in the Writ Appeal.

**20.** The Writ Petition also continues to be pending on the file of this Court without the interim order being implemented till date.

**21.** Though certain decisions have been cited at para nos.13 and 14 in the counter-affidavit in the Contempt Case, these are contentions on merits of the case of respondents in the Writ Petition and the said contentions cannot be taken into account in the present Contempt Case since the interim order, whose willful disobedience is alleged by the petitioner, continues to be in force.

**22.** It is unfortunate that in spite of giving opportunities to the respondents to comply with the said interim order (without prejudice to the rights of the respondents in the Writ Petition) vide order dt.21.11.2019 in this CC, the same was not availed of by the respondents.

**23.** In these circumstances, this Court has no option but to hold that there is willful disobedience of the order dt.01.02.2018 passed in Interlocutory Application Nos.1 and 2 of 2018 in Writ Petition No.2565 of 2018.

**24.** Accordingly, the Contempt Case is allowed with costs of Rs.25,000/-.

**25.** The 2<sup>nd</sup> respondent is given two (02) weeks' time from the date of receipt of copy of this order to comply with the order dt.01.02.2018 passed in Interlocutory Application Nos.1 and 2 of 2018 in Writ Petition No.2565 of 2018. If not, the 2<sup>nd</sup> respondent shall suffer simple imprisonment for a period of one (01) month with fine of Rs.2,000/-. Subsistence allowance at the rate of Rs.200/- per month shall be deposited by the petitioner within four (04) weeks.

**26.** The sentence of imprisonment imposed on the 2<sup>nd</sup> respondent is suspended for a period of four (04) weeks.

**27.** Accordingly, the Contempt Case is allowed with costs as above.

**28.** As a sequel, miscellaneous petitions pending if any in this Contempt Case, shall stand closed.

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**JUSTICE M.S.RAMACHANDRA RAO**

Date: 28.02.2020

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