

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE P. NAVEEN RAO

CONTEMPT CASE NO: 554 OF 2021

Contempt Case under Sections 10 to 12 of Contempt of Courts Act to punish the Respondent herein for, willfully violating, the Order of the High Court dated 29-06-2020 in WP No. 43093 of 2016

Between:

R. Sampath, s/o. Rajaiah Aged about , 46 years, CISF Constable IG Mint Hyderabad, R/o, Mamidalapalli, Veenavanka Mandal, Karimnagar District Telangana.

...Contempt Petitioner

AND

1. Sri. Ajay Kumar Balla, Secretary, Ministry of Home Affairs, Union of India, North Block, New Delhi
2. Subhodh Kumar Jaiswal, Director General, CISF Head Quarters, CGO Complex, Lodhi Road, New Delhi
3. Vipin Kumar Thomar, Group Commandant, CISF, Group Head Quarters, NISA, Hakeempet, Hyderabad.

...Respondents

Counsel for the Petitioner: SRI. R. SAMPATH, PARTY IN PERSON

Counsel for the Respondent Nos.1 to 3: SRI GADI PRAVEEN KUMAR, Deputy Solicitor General of India.

The Court made the following: ORDER

HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.554 OF 2021

ORDER :

This Court by order dated 29.06.2020 allowed W.P.No.43093 of 2016 setting aside the order dated 07.11.2015 of punishment of compulsory retirement as affirmed by the 4th respondent vide proceedings dated 02.11.2016. The Court ordered that petitioner is entitled to reinstatement and further directed the Disciplinary Authority to refer the petitioner to duly constituted Medical Board and based on the assessment of the Medical Board to take further steps as required by law. Alleging that the said orders are not complied, this contempt case is filed.

2. Heard the party-in-person/petitioner and learned Deputy Solicitor General.

3. The respondents filed compliance report dated 28.12.2022. It is stated in the compliance report that petitioner was reinstated into service vide order dated 31.08.2020 and he joined in service on 19.09.2020. A sum of Rs.15,59,599/- was paid towards back wages which include basic pay and Dearness allowance by allowing annual increments from the date of his compulsory retirement till he was reinstated into service. Further, an amount of Rs.57,133/- was paid treating the suspension period. Petitioner was referred and directed to appear before the duly constituted Medical Board. He was admitted in

mental hospital on 07.01.2021 and was in the hospital till 27.01.2021 and was discharged from hospital on 28.01.2021. He was brought back to CRPF Composite Hospital, Chandrayangutta, Hyderabad for further treatment. As per the report dated 05.02.2021 of Medical Board of CRPF Composite Hospital, petitioner was suffering from BIPOLAR EFFECTIVE DISORDER WITH PSYCHOSIS PRESENTLY-IN-MANIA. It is stated that petitioner was allowed to continuing service under the supervision initially for a period of six months under low medical category S3. It is further stated that petitioner's case was placed before the DPC 2022 which was conducted on 19.08.2022 for consideration of his suitability for promotion. As he should be in shape-I medical category to secure promotion petitioner has to be subjected to medical examination before the Medical Board, but he is not cooperating.

4. Learned Deputy Solicitor General informs the Court that as and when petitioner reports for medical examination, he will be subjected to medical examination and based on the categorization his promotion will be considered.

5. Having regard to the orders passed by this Court and the compliance report, it cannot be said that there is violation of the directions of this Court, more so, deliberate or wilful, warranting initiation of contempt proceedings.

6. Contempt Case is accordingly, closed. At this stage, the party-in-person sought to contend that he is entitled to higher monetary benefits than what is paid and that he is entitled to promotion retrospectively from the date of promotion of his juniors. These are the matters which

should be urged by the petitioner in appropriate proceedings. It is open to the petitioner to appear for medical examination which is the primary requirement for consideration to grant promotion.

Pending miscellaneous petitions, if any, shall stand closed.

Sd/- CH. VENKATESWARLU
DEPUTY REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. Sri. Ajay Kumar Balla, Secretary, Ministry of Home Affairs, Union of India, North Block, New Delhi
2. Subhodh Kumar Jaiswal, Director General, CISF Head Quarters, CGO Complex, Lodhi Road, New Delhi
3. Vipin Kumar Thomar, Group Commandant, CISF, Group Head Quarters, NISA, Hakeempet, Hyderabad.
4. R. Sampath, s/o. Rajaiah Aged about . 46 years, CISF Constable IG Mint Hyderabad, R/o. Mamidalapalli, Veenavanka Mandal, Karimnagar District Telangana (Party- in-Person) (OPUC)
5. Two CCs to SRI GADI PRAVEEN KUMAR, Deputy Solicitor General of India, Telangana State (OUT)
6. Two CD Copies

kum

HIGH COURT

DATED:30/12/2022

ORDER

CC.No.554 of 2021



CONTEMPT CASE IS CLOSED

⑦ Gpies

12/01/2023