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Sub. Appl.No.618 of 2023

Sub Application No.618 of 2023
in
Cont.P. No.1464 of 2019

MUMMINENI SUDHEER KUMAR, J.

This sub application is filed seeking reopening of the Contempt Petition No.1464 of 2019 which was closed by this Court on 05.11.2019 on the ground that the order passed in W.P.No.35129 of 2014 dated 14.10.2015 has not been complied with in full.

2. This Court ordered notice in this sub application and in response the learned counsel appearing for the Respondents has accepted that the order dated 14.10.2015 in main writ petition was not fully complied with due to some confusion and sought time to comply with the order passed by this Court in full. Under those circumstances, this Court passed the following docket order on 03.10.2024:

“This application is filed seeking reopening of the Contempt petition No.1464 of 2019.

2. The learned counsel for the respondents placed before this Court proceedings dated 27.09.2024 whereby, the pay of the petitioner was fixed from the date of his appointment in the sanctioned post. However, learned counsel for the petitioner filed



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a calculation sheet disputing the correctness of the fixation made in the proceedings dated 27.09.2024. The respondent is directed to verify the calculation sheet filed by the petitioner today. In case, if there is any error in the fixation of pay already done through proceedings dated 27.09.2024, the same shall be rectified by the next date of hearing.

3. Post the matter on 18.10.2024.”

3. In terms of the above docket order, learned counsel for the Respondents placed before this Court a copy of the proceedings in PU/R/Estt.R5/PRUCAS-Mettur/003421/2024 dated 17.10.2024 wherein the pay of the petitioner is fixed from the date on which the petitioner was initially appointed in the sanctioned post till the date on which the petitioner was relieved from the Respondent University in the year 2015. Further, the learned counsel for the petitioner contended that in terms of the order passed in the main writ petition dated 14.10.2015, the petitioner is entitled for arrears of pay besides the benefit of regularisation by granting the scale of pay in the sanctioned post.

4. This Court has carefully considered the submissions made by the learned counsel for the petitioner. The operative portions of the order dated 14.10.2015 passed in W.P.No.35129 of 2014 reads as under:



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“16. For all the aforesaid reasons, these writ petitions are allowed to the extent of quashing the impugned notification dated 09.12.2014 insofar the petitioners alone and a direction is issued to the respondents not to disturb the services of the petitioners and to regularise their service by granting the scale of pay, since they were appointed in the sanctioned posts, they possessed the requisite qualification prevailing at that time and they were selected by the duly constituted Selection Committee. I make it clear that the University can proceed with the impugned notification to make appointment in any other vacancies and there is no bar for the University to fill up those posts based on UGC Regulations 2009, as contended by them.

.....”

5. From a perusal of the above order, it is evident that this Court while allowing the writ petition directed the Respondents to regularise the services of the petitioner granting the scale of pay since the date of appointment of the petitioner in the sanctioned post. In terms of the above order, admittedly the service of the petitioner were regularised and was also extended the benefit of scale of pay for the entire period during which the petitioner worked in the Respondent University. There is no specific direction to pay the arrears of pay in the scale of pay on regularisation of the service of the petitioner. Further, as seen



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from the relief sought for in W.P.No.35129 of 2014 also it is evident that the petitioner has sought for quashing the impugned order dated 09.12.2014 and to direct the Respondents to regularise the service of the petitioner as Lecturer/ Assistant Professor in Commerce in the Respondent University alone and there is no prayer for payment of arrears of pay on fixation of scale of pay. In the absence of prayer for payment of arrears of salary and the monetary benefits, the question of arriving at a conclusion that the Respondents have deliberately violated the order of this Court does not arise.

6. It is settled law that no person can be held for contempt under the provisions of the Contempt of Courts Act, 1971, unless it is shown that an order of this Court has been deliberately violated. By interpreting the order passed by this Court, this Court cannot continue the contempt proceedings against the Respondents. In the circumstances and also taking into consideration the proceedings dated 17.10.2024 issued by the Respondents, this Court does not see any reason to reopen the contempt case which was already closed on 05.11.2019. Accordingly, the sub application is dismissed.

18.10.2024

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18.10.2024