

[3219]

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

**MONDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

CONTEMPT CASE NO: 2590 OF 2023

Contempt Case Under Section 10 to 12 of Contempt of Courts Act, to punish the respondents for deliberate violation and willful disobedience of the order of this Hon'ble Court dated 06-06-2023 in I.A.No.1 of 2023 in W.P.No.13105 of 2023.

Between:

A. Laxminarayana, S/o. A. Chandraiah Aged about 61 years, Occ. Retired SI of Police, Cyberabad Unit, R/o. H.No.11-13-198/3/2/12, Green Hills Colony, Road No.3, Kothapet, L.B.Nagar, Hyderabad.

...PETITIONER

AND

A Gopal Reddy, S/o Late Balakrishna Reddy Aged about 78 years, Occ. Secretary Bhadratha, R/o Telangana State Police Department, Employees Benevolent and Thrift Mutual Association, DGP's office Complex, 4th Floor, Saifabad, Hyderabad.

...RESPONDENT/RESPONDENT NO.2 in WP

Counsel for the Petitioner :SRI VEROSE SANJANA

Counsel for the Respondent :SRI I.V. RADHAKRISHNA MURTHY

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE T. MADHAVI DEVI

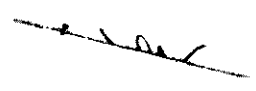
CONTEMPT CASE NO.2590 OF 2023

ORDER

This Contempt Case is filed alleging willful and deliberate disobedience of the order of this Court dt.06.06.2023 in I.A.No.1 of 2023 in W.P.No.13105 of 2023.

2. This Court finds that there was an interim direction to respondent No.2 not to make any further recoveries from the sureties pending disposal of the Writ Petition.

3. Learned counsel for the petitioner alleged that in spite of passing the said order, EMIs were continued to be deducted from the salaries of the sureties of the petitioner by the respondents till the date of filing of the Contempt Case, i.e., 24.11.2023. The petitioner therefore alleges willful disobedience of the orders of this Court by the respondents. He submitted that the EMI amounts were deducted from the two sureties of the petitioner, namely, (1) P.Yesu Babu, PC-1724 and (2) P.Kaza Vali, PC-3967 and accordingly six months EMIs were deducted, i.e., an



amount of Rs.8,890/- from each surety, i.e., total amount of Rs.16,178/- from both the sureties.

4. On service of notice, the sole respondent herein, who is respondent No.2 in the Writ Petition, filed a counter affidavit stating that he is not the implementing authority and therefore, he is not deducting the amount from the salary of the petitioner or his sureties. It is stated that Bhadratha is a society registered under the Societies Act and is purely a private body and that the petitioner and his sureties are working in Police Department and therefore, their respective Unit Officers are responsible for deductions from the salaries of the sureties. It is stated that the Unit Officers of the first surety is Telangana State Police Academy and that of the second surety is Commissioner of Police, Cyberabad and it is thus denied that there was any violation of the directions of this Court by the respondent in the Contempt Case.

5. In view of these submissions, this Court, *vide* orders dt.12.07.2024, had directed respondent No.2 to furnish a copy of the correspondence between respondents No.2 and 3 in the Writ Petition to show that respondent No.2 has acted *bona fide*. In compliance thereof, respondent No.2 has filed a Memo on 20.09.2024 giving details of the

correspondence between respondent No.2 and the Commissioner of Police, Cyberabad and the Director of the Telangana Police Academy, Hyderabad. It is noticed that the interim order was passed on 06.06.2023 and *vide* letter dt.15.07.2023, the Unit Head was informed of the High Court order and it was informed that Bhadratha has no option to stop the recoveries from sureties and the salaries were paid by the respective officers and the recoveries which are effected from the sureties towards house loan taken by Sri Laxminarayana, SI (Retd) are to be stopped as per the orders of the High Court. The Unit Officer of the second surety was informed accordingly. There is no such communication with regard to the Unit Officer of the first surety.

6. Learned Standing Counsel for respondent No.2 in the Writ Petition, i.e., the sole respondent in the Contempt Case has also filed copies of the communications dt.22.07.2024 informing that the entire loan amount has been recovered from the retirement benefits of Sri A.Laxminarayana and the NOC along with original documents were already sent to the Unit Officer with a request to stop recovery of EMIs from the surety and further that an amount of Rs.33,807/- which was excess received from each of the sureties was being refunded by way of cheques No.930526 and 930527 dt.22.07.2024 to be handed over to the

respective sureties. It is thus submitted that the recovery from the sureties was only on account of miscommunication of the orders and it was not deliberate and the amount recovered from the sureties has already been refunded to them.

7. Having regard to the rival contentions and the material on record, this Court finds that the sole respondent in the Contempt Case had acted *bona fide* by communicating the orders of this Court to the Unit Officers who are respondents No.3 and 4 in the Writ Petition. However, respondents No.3 and 4 have continued to recover from the salaries of the sureties in violation of the directions of this Court. The subsequent refund of the amounts to the sureties would not absolve respondents No.3 and 4 from the offence of Contempt of Court. However, the petitioner has not made respondents No.3 and 4 in the Writ Petition as contemnors in this Contempt Case and therefore, without affording an opportunity of hearing, no action can be taken against them under the Contempt of Courts Act. Since the entire amount has been refunded to the sureties and the entire loan amount has been recovered from the retirement benefits of the petitioner, this Court is inclined to close the Contempt Case against the respondent herein.

8. The Contempt Case is accordingly closed. No order as to costs.
9. Pending miscellaneous petitions, if any, in this Contempt Case shall also stand closed.

//TRUE COPY//

Sd/- K. SAILESHI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. One CC to SRI VEROSE SANJANA, Advocate [OPUC]
2. One CC to SRI I.V. RADHAKRISHNA MURTHY, Advocate [OPUC]
3. Two CD Copies.

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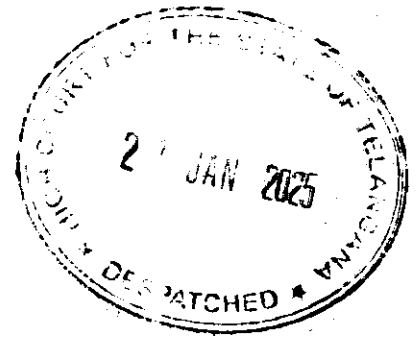


HIGH COURT

DATED:30/12/2024

ORDER

CC.No.2590 of 2023



CLOSING THE CONTEMPT CASE
WITHOUT COSTS.

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