

Aprstc and Others Vs. M. Srinivas

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Court : Andhra Pradesh

Decided On : Mar-09-2000

Reported in : 2000(3)ALD20

Judge : N.Y. Hanumanthappa and ;A. Gopal Reddy, JJ.

Acts : [Contempt of Courts Act, 1971](#) - Sections 17

Appeal No. : LPA No. 21 of 2000

Appellant : Aprstc and Others

Respondent : M. Srinivas

Advocate for Def. : Mr. K. Vasudeva Reddy, Adv.

Advocate for Pet/Ap. : Mr. Nanda Ramachandra Rao, SC for APSRTC

Judgement :

ORDER

A. Gopal Reddy, J.

1. This LPA is directed against the order dated 12-10-1999 passed by the learned single Judge in CCNo.2038of 1998.

2. The brief facts of the case are that earlier respondent herein filed a writ petition in WP No. 14735 of 1996 seeking adirection to the appellant-Corporation to

consider his case for appointment to the post of cleaner on the ground that his father had completed 25 years of service in the Corporation and as per circular of the Corporation dated 15-10-1987. The learned single Judge disposed of the said writ petition directing the Corporation to consider the case of the respondent herein for appointment to the post of Cleaner within a period of two weeks from the date of receipt of that order, provided the respondent herein fulfils the criteria laid down in the above said circular. Subsequently, the Corporation issued another circular dated 27-2-1998 modifying the earlier circular dated 15-10-1987. As per circular dated 27-2-1998, the compassionate appointment was confined only to the children of the deceased employees, and the concession given in the earlier circular dated 15-10-1987 was withdrawn. As the case of the respondent was not considered as per the order of this Court dated 23-7-1996, he filed a contempt case in CC No.2039 of 1998. In the contempt case, the Corporation filed an additional counter stating that the name of the respondent herein is at serial No.31 in the list maintained by the Corporation in respect of the applications received from in-service employees who have completed 25 years of service for appointment of their children in the Corporation and the case of the respondent herein will be considered as and when the vacancies arise. The contempt case was disposed of by the learned single Judge directing the Corporation to consider the case of the petitioner for appointment on compassionate grounds, without reference to the circular dated 27-2-1998 or any other subsequent circular.

3. The learned Standing Counsel for the Corporation contends that if the respondent herein is aggrieved by the subsequent circular, the remedy is to challenge the same in an appropriate proceedings and not by way of contempt proceedings. Therefore, the learned single Judge ought not to have passed the orders in contempt case, amounting to review of the earlier orders passed by him. On the other hand, the learned Counsel for the respondent denied the allegations made by the appellant-Corporation and contended that the LPA is not maintainable against the order passed in a contempt case and submitted that once the writ petition was disposed of, to consider the case of the respondent as per circular dated 15-10-1997, subsequent circular is not applicable to the respondent and his case has to be considered according to that circular only and further submitted that the order passed by the learned single Judge in contempt case is

just and proper.

4. It is time and again stated that in a contempt case, the Court has to see whether the order passed by the Court is violated by the respondents or not. But in a contempt case, the Court cannot issue further directions, in continuation of the direction already given in the writ petition. To the same effect is the judgment of the Apex Court in *Vijay Singh v. Mittanlal Hindoliay*, : (1997)1SCC258 . In view of the same, this LPA is allowed. If the respondent herein is aggrieved by the subsequent circular dated 27-2-1998, he is at liberty to challenge the same in an appropriate proceedings. All the contentions are kept open. No costs.

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