

HIGH COURT OF ANDHRA PRADESH

MAIN CASE: C.C. No. 1045 of 2020

PROCEEDING SHEET

SL. NO.	DATE	ORDER	OFFICE NOTE
06.	19.07.2023	<p><u>RNT, J</u></p> <p>Heard Sri V. Ch. Naidu, learned counsel for the petitioner and Sri Solomon Raju, learned counsel for the respondents No.1 to 3.</p> <p>2. Respondents 1, 2 & 3 are present.</p> <p>3. An objection has been raised by Sri C. Sumon, learned counsel, who also appears for respondents No.2 & 3 that they were not party in the writ petition but the contempt petition has been filed against them also without seeking leave of this Court.</p> <p>4. By order dated 13.10.2020 'Notice' was issued in the contempt case. Consequently, it would be taken as notice to all the respondents in contempt petition. The leave of the Court is implied in the order of 'Notice'.</p> <p>5. The petitioner has filed this contempt petition alleging wilful and deliberate disobedience of the judgment and order, dated 23.01.2020, passed in W.P.No.23708 of 2013.</p> <p>6. Feeling aggrieved from the order of removal of his services, the petitioner filed I.D.No.37 of 2007 on the file of the Labour Court, Guntur. The Labour Court, Guntur awarded</p>	

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		<p>reinstatement with 50% back wages. Challenging the said order, W.P.No.23708 of 2013 was filed by the petitioner which was disposed of modifying the award of the Labour Court to the extent of award of only 50% back wages to the petitioner and it was held that the petitioner shall be entitled for the whole of the back wages for the said period.</p> <p>7. The Depot Manager of APSRTC also filed W.P.No.29020 of 2013 which was also disposed of by order dated 23.01.2020. Against the judgment passed in two writ petitions, the Depot Manager filed two writ appeals being W.A.No.494 of 2021 and W.A.No.530 of 2021.</p> <p>8. In the writ appeal W.A.No.530 of 2021 which was filed against the order dated 23.01.2020 in W.P.No.29020 of 2013, as per the order, passed therein, dated 23.08.2021, learned counsel for the 1st respondent submitted that he would not press the contempt case filed against the order impugned in the writ petition for a period of four weeks.</p> <p>9. From perusal of the said order, it is also evident that the issue as to whether there is any delay in filing the appeal is under consideration. It is further evident that one of the points raised in the appeal is that the petitioner was gainfully employed during the period, though the said fact was seriously disputed in the appeal. The</p>	

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		<p>appellant (the 1st respondent herein), has also filed some certificate issued by the Tahsildar annexed to the writ appeal.</p> <p>10. Learned counsel for the respondents submits that such plea of the petitioner being gainfully employed was taken in the writ petition, filed by the Depot Manager, as also in the counter affidavit in the writ petition filed by the present contempt petitioner, but such plea was not considered in the judgment of writ Court, but, the same is under consideration before the Division Bench in Writ Appeals.</p> <p>11. With respect to the undertaking of the 1st respondent not to press the contempt case, the same was extended by order dated 11.10.2022 till the next date of hearing. It is also informed that the appeal was listed today and has been posted to 24th July, 2023.</p> <p>12. Considering the aforesaid submissions, and as the matter is pending consideration in writ appeal, fixed to 24.07.2023, it is considered appropriate to defer the contempt proceedings till next date.</p> <p>13. The proceedings in contempt petition are accordingly deferred till the next date.</p> <p>14. As this Court finds that the order of the Writ Court has not been complied with, may be for the reasons as submitted, let the response be filed by the respondents 2 & 3, as well, to the</p>	

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		<p>contempt petition.</p> <p>15. Post on 02.08.2023.</p> <p>16. The respondents present today shall appear again on the date fixed.</p> <p style="text-align: right;">_____ RNT, J</p> <p>Dsr</p>	