

HON'BLE SRI JUSTICE R.KANTHA RAO
C.C.No.1641 of 2014

ORDER

This contempt case is filed complaining willful disobedience on the part of the respondents in implementing the orders passed by this Court in WP No.4965 of 2001, dated 19.12.2013.

Disciplinary enquiry was held against the petitioner. He was found guilty of certain charges levelled against him and punishment of stoppage of eight increments was imposed on him. Feeling aggrieved, he filed W.P.No.4965 of 2001. While disposing of the said writ petition, learned single judge observed that principles of natural justice have not been followed and some witnesses, who were proposed to be examined by the petitioner, were not examined and certain documents were not permitted to be exhibited. With the aforesaid observation, learned Single Judge set aside the impugned order passed by the disciplinary authority. However, learned single Judge

gave liberty to the respondent-Bank to proceed with the enquiry in accordance with the Rules and Regulations and permit the petitioner to exhibit certain documents.

The present contempt case is filed alleging that in view of the order of the learned Single Judge, the respondents are obliged to restore the punishment, which was imposed by the disciplinary authority.

Counter-affidavit has been filed on behalf of the respondents contending *inter alia* that the petitioner has not been co-operating for conducting enquiry and therefore, the same is not concluded.

The sole question which arises for consideration in the present contempt case is that by not restoring the increments which were withheld, the respondents are guilty of willful disobedience of the order passed by the learned Single Judge.

Learned single Judge has not specifically directed that the increments shall be restored. As per the order of the learned Single Judge, the respondents

initiated fresh enquiry and as the petitioner has not been co-operating with the Enquiry Officer, the enquiry could not be completed at appropriate time.

Having regard to the aforesaid circumstances of the case, I am of the view that there is no willful disobedience on the part of the respondents and as the petitioner has not been co-operating for processing with the enquiry, the same has not been concluded.

Hence, the contempt case is closed.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE R.KANTHA RAO

21st March, 2016
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