

IN THE HIGH COURT OF KARNATAKA  
CIRCUIT BENCH AT GULBARGA

DATED THIS THE 24<sup>th</sup> DAY OF SEPTEMBER 2010

PRESENT

THE HON'BLE MR.JUSTICE N.KUMAR

AND

THE HON'BLE MR.JUSTICE SUBHASH B.ADI

CCC NO.214 OF 2008 ( civil)

corrected vide  
chamber order  
dt 16/11/2012

BETWEEN

1. SRI RAMU  
S/O SOMULU  
AGED ABOUT 39 YEARS  
GROUP - D EMPLOYEE  
O/O RANGE FOREST OFFICER  
TERRITORIAL RANGE, CHITAPUR  
TALUK CHITAPUR,  
DIST GULBARGA.

.. COMPLAINANT

(By Sri.GOURISH S.KHASHAMPUR, ADVOCATE)

AND

1. SRI SUDHAKAR, IAS,  
THE STATE OF KARNATAKA  
BY ITS CHIEF SECRETARY  
VIDHANA SOUDHA  
BANGALORE - 560001.
2. SRI JAIRAJ, IAS,  
THE STATE OF KARNATAKA  
BY ITS PRINCIPAL SECRETARY  
RURAL DEVELOPMENT  
AND PANCHAYAT  
RAJ DEPARTMENT,

✓

M.S. BUILDING  
BANGALORE - 560001.

... ACCUSED

(By Sri.M.KUMAR, AGA)


CCC FILED U/S 11 & 12 OF THE CONTEMPT OF COURT  
ACT PRAYING TO INITIATE CONTEMP PROCEEDING AGAINST  
THE RESPONDENTS FOR DISOBEYING ORDER DTD.20.08.2001  
IN WP.NOs.17587-17726/2001.

This CCC, coming on for orders, this day, N.KUMAR J.,  
made the following:

### **ORDER**

This contempt petition is filed complaining that,  
the directions issued by the court has not been complied  
with and therefore the complainant seeks for appropriate  
action for disobedience of the lawful order passed by this  
court. The direction issued by the court in so far as the  
complainant is concerned, is as under:

*“ On consideration, we find that  
regularization depends upon the availability of  
substantive posts and the case of individuals  
can be considered as per their seniority and  
eligibility as per the schemes and it is also to  
be seen whether the applications are made  
after the cut off date 1.7.1984 or before. In  
our view, these are questions of fact which*



*cannot be gone into by this court at this stage. Under the circumstances, it will be appropriate that the Government should consider the representation of the respective respondents as per law."*


2. On consideration, we find that, regularization depends upon the availability of substantive posts and the case of individuals can be considered as per their seniority and eligibility as per the schemes and it is also to be seen, whether the applications are made before the cut off date i.e., 1.7.1984. All these cannot be looked into by this court. No doubt, these are the questions of facts which cannot be gone into by this court, at this stage. Under the circumstances, it would be appropriate that, the Government should consider the representation of the respective respondents as per law.

3. The State has filed an affidavit along with the endorsement issued to the petitioner on 25.10.2008. A perusal of the endorsement shows that, the case of the complainant is considered and they have refused to



regularize the services on the ground that, he did not fulfil the conditions prescribed under the scheme which are also set out in the said endorsement. Therefore, when once the direction issued by the court is considered, no contempt could be alleged against them.

4. The learned counsel for the complainant submits that, persons who are similarly placed as that of the complainant are appointed. Though they were also appointed subsequent to the cut off date of 1.4.1984, the complainant has been discriminated. He has been working for the last 25 years uninterruptedly and therefore, he submits, the consideration made is illegal. If the grievance of the complainant is that, he is discriminated and the consideration is not in accordance with law, it is open to him to challenge the said endorsement and seek appropriate remedies which are available to him. That is not the question to be gone into in contempt proceedings. Once the order is complied with, his case is considered and rejected, there is no contempt.



5. In that view of the matter, we pass the following:

ORDER

The contempt proceedings are dropped. Liberty is reserved to the complainant to work out his remedy in accordance with law.

Sd/-  
JUDGE

Sd/-  
JUDGE

Cm/-