

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF NOVEMBER, 2018

PRESENT

THE HON'BLE MR. JUSTICE L. NARAYANA SWAMY

AND

THE HON'BLE MR. JUSTICE P. B. BAJANTHRI

C.C.C. No. 1534/2018

AND

C.C.C.Nos.1712-1716/2018 (Civil)

BETWEEN:

1. SRI K. MANOHARA
S/O. SRI ESHWARAPPA
AGED ABOUT 65 YEARS
R/AT SIRUGUPPA-583 221
BALLARI DISTRICT.
2. SRI MUTHANNA
S/O. LATE MUDUKAPPA
AGED ABOUT 66 YEARS
R/AT GURUBHAVAN
SIRUGUPPA
BALLARI-583 212.
3. SRI MURTUJASAB
S/O NASIRUDDINSAB PINJAR
AGED ABOUT 65 YEARS
R/AT NO.896, 2ND 'A' MAIN ROAD
2ND 'B' CROSS, 7TH BLOCK
BSK III STAGE, KALIDASANAGAR
HOSAKEREHALLI
BENGALURU-560 085.

4. SRI VALIBASHA
 S/O LATE HONNURSAB
 AGED ABOUT 60 YEARS
 R/AT SOUDHAGAR COLONY
 NO.43, 1ST CROSS, NEAR OPD
 BALLARI-582 102.
5. SRI T. LAKSHMINARAYANA
 S/O LATE T.LINGAIAH
 AGED ABOUT 64 YEARS
 R/AT 2ND CROSS, DURGA COLONY
 PATEL NAGAR
 BELLARY-583 101.
6. SRI SREEMANTH EDGE
 S/O HANUMANTHAPPA
 AGED ABOUT 63 YEARS
 R/AT NANDIKUR VILLAGE
 'RENUKA NILAYA'
 FLAT NO.6, NO.5-34
 GULBARGA TALUK
 GULBARGA-583 102.COMPLAINANTS
- (BY SRI NANJA REDDY.P.N., ADV.)

AND:

1. MRS. HEMALATHA, I.A.S.
 PRINCIPAL SECRETARY
 TO CO-OPERATION DEPARTMENT
 6TH FLOOR, M.S. BUILDING
 DR. AMBEDKAR VEEDHI
 BANGALORE-560 001.
2. MR. RAJESH GOWDA
 DIRECTOR
 AGRICULTURAL MARKETING DEPARTMENT
 NO.16, 2ND RAJBHAVAN ROAD
 P.B.NO.5309
 BANGALORE-560 001.ACCUSED

THESE CCC ARE FILED UNDER SECTIONS 11 AND 12 OF THE CONTEMPT OF COURTS ACT, PRAYING TO PUNISH THE ACCUSED FOR HAVING DISOBEYED THE ORDERS OF THIS HON'BLE HIGH COURT IN W.P.NOS.37411/2016 C/W W.P.Nos.32876/2016, 33242/2016, 33791/2016, 33793/2016 AND 33795/2016 DATED 13.12.2016 AFTER ISSUING NOTICE TO THE ACCUSED AND TAKE APPROPRIATE ACTION AGAINST THE ACCUSED IN ACCORDANCE WITH LAW.

THESE CCC COMING ON FOR PRELIMINARY HEARING THIS DAY, **BAJANTHRI J.**, MADE THE FOLLOWING:

ORDER

Heard the learned counsel for the complainants.

2. The complainants have filed these contempt petitions on the ground that the order dated 13.12.2016 passed by a Co-ordinate Bench of this Court in W.P.No.37411/2016 and connected matters, has not been complied with by the accused.

3. The relevant portion of the order passed in W.P.No.37411/2016 and connected matters reads as under:-

“19. In view of the above, the impugned order passed by the Karnataka Administrative Tribunal so far as it relates to imposing penalty of demotion to the lower payscale or withholding of increment etc., is not interfered with. However, the impugned order passed by the Disciplinary Authority so far as the recovery of the above referred respective amount from the concerned petitioners shall stand quashed and set aside. However, it is observed that the present order shall not prejudice the rights of the Disciplinary Authority and/or the Director of Agricultural Marketing Committee to resort to the appropriate proceedings under Section 128 of the APMC Act, but at that stage, the rights and contentions of the petitioners shall also remain open to be considered in accordance with law.”

4. A perusal of the order passed in W.P.No.37441/2016 and connected matters shows that undisputedly, no recovery has been effected. Therefore, the question of any refund of amount to the complainants do not arise. It is submitted by the

learned counsel for the complainants that retiral benefits have not been settled. Hence, we are of the opinion that, in the absence of any direction in the writ petitions, insofar as release of retiral benefits if any, complainants have not made out a case for contempt. Accordingly, contempt petitions stand rejected.

Sd/-
JUDGE

Sd/-
JUDGE

VMB