

(2021) 01 TEL CK 0007
In the Telangana High Court
Case No : Contempt Case No. 802 Of 2020

Karri Venkatramaiah

APPELLANT

Vs

R.V. Karnan

RESPONDENT

Date of Decision : 20-01-2021

Acts Referred:

Citation : (2021) 01 TEL CK 0007

Hon'ble Judges : Challa Kodanda Ram, J

Bench : Single Bench

Advocate : Pole Vishnu

Final Decision : Disposed Of

Judgement

Challa Kodanda Ram, J

This Contempt Case is filed alleging non-compliance of the order dated 11.12.2019 passed by this Court in W.P.No.27435 of 2019.

Heard the learned counsel for the petitioner, and the learned Government Pleader appearing for the respondent-contemnor.

It is a case where the petitioner has filed W.P.No.27435 of 2019 complaining inaction on the part of respondent authorities in dealing with his

complaints made vide representations dated 29.10.2018, 09.08.2019 and 19.09.2019 with respect to illegalities and unauthorized disbursal of

monies in favour of various individuals who were arrayed as party respondents 8 to 28 in the writ petition.

Taking into consideration the nature of complaints made by petitioner (copies of which were enclosed along with the writ affidavit) and

considering that these aspects are to be dealt firmly and expeditiously, more particularly, when ineligible persons are allegedly being given

benefits thereby depriving eligible persons under various schemes, this Court directed the respondent No.3-District Collector, Khammam (the

respondent-contemnor herein) to consider the complaints and take necessary action in accordance with law. The order was made on

11.12.2019. This Court did not specify any timeframe within which the representations have to be considered for taking necessary action.

However, under Writ Proceedings Rules of this Court, when no specific timeframe for taking necessary action is stipulated in an order, two

monthsâ?? time is the default timeframe within which the necessary action has to be taken. That is the rule position.

In the case on hand, the contempt case was filed on 08.09.2020, and the papers were served on the learned Government Pleaderâ??s Office

even at the time of filing the contempt case as per the practice. However, the contempt case itself came up for consideration before this

Court on 11.10.2020. Notice was issued directing the respondent to file counter with a further direction to list the matter on 19.01.2021.

A counter affidavit was filed on 07.01.2021 by the respondent denying violation of the order dated 11.12.2019. As a matter of fact, the record

discloses receipt of representations dated 29.10.2018, 09.08.2019 and 19.09.2019.

It is averred in the counter affidavit that with respect to the representation dated 29.10.2018 the respondent has referred the same to the

Revenue Divisional Officer (RDO) and others for necessary action. It is to be noticed that conveniently the date of referring to the RDO

seeking information has not been stated.

Likewise, with respect to the representation dated 09.08.2019, the respondent states that there are two representations with same date i.e.,

one with respect to continuing of employees in BC Welfare Department in spite of two years of service, and the same was referred to the

District Welfare Officer, Khammam, on 28.08.2019; and the other is a follow up representation of petitionerâ??s earlier representation dated

29.10.2018 alleging inaction of the banking staff of Andhra Pradesh Grameena Vikas Bank (APGVB), Penubally, for misusing Public money,

and the said representation was also referred to RDO, Kalluru on 28.08.2019.

Similarly, it is also stated in the counter that the representation dated

19.09.2019 was also referred to the Lead District Manager, Khammam.

However, the respondent has conspicuously omitted mentioning the date of reference to the Lead District Manager.

A perusal of the material documents filed along with the counter affidavit would disclose that in the letter addressed by the Lead District

Manager, Khammam, vide Rc.No.F31/2019-20 dated 18.12.2020, there is a reference to the Letter of Collector, Khammam,

Lr.Rc.No.F2/149/2020 dated 15.10.2020. In other words, the District Collector's contention that the same was referred to the Lead

District Manager was, in fact, only on 15.10.2020.

The details with respect to the action taken subsequently were mentioned from paragraph 5 onwards in the counter affidavit. A perusal of the

details with respect to the action taken would disclose that, as a matter of fact, the complaints of the petitioner with respect to illegalities and

unauthorized benefits being drawn by certain of the individuals at last turned out to be true, which had necessitated the official respondents to

take action in accordance with law. To that extent, so far as the petitioner is concerned, he was successful in bringing to the notice of the

authorities the irregularities against which certain action has been initiated.

Learned Government Pleader pleads for closure of contempt case by submitting that necessary action has already been taken.

Having regard to the facts of the present case and the submissions made by both the learned counsels, the present case is required to be

considered in the light of large number of writ petitions that are being filed day in and day out complaining inaction on the part of the

authorities and thereafter this Court disposing the writ petitions, in a routine manner, by directing the authorities to take action on the said

complaints, and thereafter once again the petitioners filing contempt cases complaining inaction on the part of authorities in implementing the

orders of this Court.

In the present case, the factum that complaints were being made by the petitioner from 2018 and there being no action except paper-pushing

and writing letters, that too, after this Court disposing of the writ petition at admission stage and further some concrete action having been

taken by the respondent authorities only after filing of contempt and serving of

contempt papers, would disclose the apathy and callous manner

in which the issues are being dealt by the respondent authorities at administrative level.

It would be pertinent to note that umpteen numbers of cases of this nature are being taken up by this Court day in and day out and the present

case is only one such instance of administrative inaction to point out.

A large number of writ petitions of this nature are being filed on a daily basis seeking mandamus, only complaining inaction on the part of the

authorities at some level or other. This Court is faced with a situation of closing the writ petition at admission stage or by dismissing the same

which leaves the citizen with no other remedy as the superior authorities who are required to have administrative control over their

subordinates are either apathetic to the complaints being received or indifferent or have no courage to take action against their subordinate

officers for whatever reason. The end result is that citizens approach this Court with fond hope that at least under the threat of contempt, the

respondent authorities would act on their complaints/representations and redress their grievance.

While this Court may pass innocuous orders directing the authorities to act in accordance with law, the enormous number of writ petitions

being filed complaining sheer inaction on the part of the respondent authorities, and the contempt cases which are being filed on daily basis,

are virtually consuming the precious time of the Court, leaving no time for the Court to adjudicate substantial disputes inter se between private

parties affecting their property rights and other rights, the rights in relation to employees with respect to their service matters, the rights

between parties arising from matrimonial disputes apart from trying election petitions, company petitions etc., where High Court is conferred

with Original Jurisdiction.

In the light of this situation the Court is faced with, the plea of the learned government Pleader that as action had already been taken and

therefore the contempt case may be closed is required to be considered.

In the present case, the fact remains that the semblance of action taken by the respondent contemnor is only after filing of contempt case by

the petitioner, only after serving papers on the Government Pleader's office

and not earlier to that. Worse still, there is no diligent follow up with respect to the stage of grievance/complaint, and the follow up stated is only with respect to certain issues, that too, when the contempt is pending before this Court. Thus there is a clear violation on the part of the respondent in implementing the orders of this Court. There is lack of clarity and accountability-fixing mechanism in the administration at the State level, which is apparent, and the issue is required to be highlighted.

In that view of the matter, as there is violation of the orders of this Court, this Court deems it appropriate to punish the respondent-District Collector by imposing a fine of Rs.500/- (Rupees Five Hundred) on the respondent-District Collector, to be recovered from his salary, and payable to the State.

Registry to circulate this order to the Chief Secretary and Principal Secretaries of the Departments of the State to highlight the huge burden that is being placed on this Court on account of inaction and insensitivity of authorities toward the complaints of petitioners/public at large leading to writ petitions alleging inaction, and once again inaction on the orders of this Court leading to contempt petitions. This Court hopes and trusts the State administration would take suitable steps to devise an effective, time-bound mechanism for monitoring complaints/grievances and fix accountability on the officers concerned in case of lapses, as this Court would not be taking a lenient view in future as was taken in the present case.

Subject to the above direction, the contempt case is disposed of. No costs. Miscellaneous petitions, if any pending, shall stand closed.