

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 3RD DAY OF FEBRUARY 2016

PRESENT

THE HON'BLE MR.JUSTICE RAM MOHAN REDDY

AND

THE HON'BLE MR.JUSTICE ARAVIND KUMAR

CCC No.200162/2015(CIVIL)

BETWEEN:

SRI SAIBANNA SHIVAPPA BAMANI
AGED 66 YEARS
OCC: RETD. JUNIOR ENGINEER
HESCOM, INDI
R/O AKKAMAHADEVI TEMPLE
VIJAYAPUR ROAD, INDI
TQ. INDI DIST. VIJAYAPUR

...COMPLAINANT

(BY SRI.B.K.HIREMATH, ADVOCATE)

AND:

1. SRI. ANAND K. B.E (ELE)
EXECUTIVE ENGINEER (ELE)
MAJOR WORKS DIVISION
NANDAWADAGI BUILDING
ROOP LAND VIDYAGIRI
BAGALKOT- 587 102.

2. SRI SUKETAN B.E. (ELE)
SUPERINTENDENT ENGINEER (ELE)
MAJOR WORKS, CIRCLE
BAGALKOT- 587 102.
3. SRI SIDDARAJU B.E. (ELE)
CHIEF ENGINEER (ELE)
MAJOR WORKS DIVISION
NANDAWADAGI BUILDING
ROOP LAND VIDYAGIRI
BAGALKOT- 587 102.
4. SRI G.K. GOTYAL B.E. (ELE)
EXECUTIVE ENGINEER (ELE)
O & M DIVISION INDI
TQ. INDI DIST. VIJAYAPUR- 586 209.
5. SRI. G.K. GOTYAL B.E. (ELE)
EXECUTIVE ENGINEER (ELE)
O & M DIVISION, HESCOME
VIJAYAPUR- 586 101.
6. SRI. SANTOSH B.PATIL B.E. (ELE)
ASSISTANT ENGINEER (ELE)
O & M SUB-DIVISION HESCOME
INDI, TQ. INDI DIST. VIJAYPAUR- 586 209.
7. SRI. SIVALAL BILAJI RATHOD B.E. (ELE)
SUPERINTENDENT ENGINEER
O & M CIRCLE OFFICE
HESCOME, VIJAYAPUR- 586 101.

...ACCUSED

(BY SRI RAVINDRA REDDY, ADVOCATE FOR A1 TO A7)

THIS CCC IS FILED UNDER SECTION 12 OF THE
CONTEMPT OF COURT ACT, PRAYING TO INITIATE
CONTEMPT PROCEEDINGS AGAINST THE RESPONDENT

AND PUNISH FOR WILLFUL DISOBEDIENCE OF THE ORDER PASSED BY THIS HON'BLE COURT IN WRIT APPEAL NO.200024-200025/2015(S-RES) DATED 14.10.2014, AND DIRECT THE RESPONDENT TO SETTLE THE PENSION AND PAY ENTIRE GRATUITY AND MONITORY BENEFITS TO THE COMPLAINANT AS EARLY AS POSSIBLE IN THE INTEREST OF JUSTICE AND EQUITY.

THIS CCC COMING ON FOR ORDERS THIS DAY, RAM MOHAN REDDY J., MADE THE FOLLOWING:

ORDER

Taking on record the affidavit of the Superintendent Engineer and the annexures enclosed thereto, and regard being had to the communication dated 27.04.2015 Annexure-R-1 recording the factum of a consideration of petitioners representations Annexures-A to A-4 to the writ petition, in compliance with the order dated 14.10.2014 we find no case made out. Infact the copy of communication of the Sub-Post Master marked as Annexure-R-2 in the affidavit discloses that the registered article was delivered on 02.05.2015 to the complainant. In other words the communication dated 27.04.2015 Annexure-R-1 was

delivered to the complainant even before the filing of contempt petition on 16.12.2015 which aspect of the matter is suppressed by the petitioner. Although learned counsel for respondent submits that costs be imposed for suppression of relevant material facts, we think it not appropriate to impose costs. Petition dismissed.

**Sd/-
JUDGE**

**Sd/-
JUDGE**

SBN