

THE HON'BLE DR. JUSTICE K. MANMADHA RAO**Contempt Case No. 1220 of 2023****ORDER:**

This Contempt Cases has been filed under Section 10 to 12 of Contempt of Courts Act, 1971 to punish the respondents/ contemnors for Contempt of Court for wilful and deliberate disobedience in not implementing the orders passed by this Court, dated 26.07.2022 in W.P.No. 35841 of 2014 and batch.

2. This court passed the following order, which reproduced hereunder:

“20. Therefore, following the decisions cited supra, all these Writ Petitions are allowed. The orders rejecting absorption in aided posts passed by the Commissioner and Directorate of Collegiate Education, Andhra Pradesh in the case of the petitioners are set aside; and the State of Andhra Pradesh and the Commissioner of Collegiate Education are directed to absorb the petitioners in the aided posts of Lecturers in the respective private Managements with all consequential benefits”.

21. Accordingly, the Writ Petitions are allowed as above. No order as to costs”.

3. Heard Mr.Ganganaiah Naidu, learned Senior Counsel, representing Mr.N. Bharat Babu, learned counsel for the petitioner and Mr. K.V.Raghuveer, learned Government Pleader for the respondents.

4. Learned counsel for the petitioner would contend that the respondents wilfully and wantonly not implementing the orders of this Court, though the petitioners are fully qualified and eligible to hold the post of Lecturers in their respective subjects. Therefore there is no other go to the respondents, except implementation of the order of this Court.

5. The respondents filed batch of applications for reviewing the order of this Court in the batch of writ petitions belatedly only to protract the matter for long time, which is not discernable. During the course of hearing, learned Government Pleader, appearing for the respondents would contend that batch of review petitions have been filed in the batch of writ petitions to review the common order passed by this Court dated 26.07.2022 and contended that the counter affidavits filed in all the writ petitions individually, but the same was not mentioned in the common order. Therefore, the order under review deserves to be reconsidered by taking the counter affidavits into consideration. It is further contended that each respondent's case was to be adjudicated on its own merit. Further, according to the learned Government Pleader, the petitioners have no right what-so-ever to seek the indulgence of this court to absorb themselves into Aided posts as the petitioners were appointed purely on temporary and adhoc

basis. Further it is contended that Part Time employees are not entitled to seek regularization as they are not working against any sanctioned post as held by the Hon'ble Apex Court in ***State of Karnataka vs. Umadevi***¹. Therefore, review petitions are liable to be allowed.

6. While the matters are taking up for hearing, both Review Petitions have been heard along with the batch of Contempt Cases on 06.10.2023. It is the contention of the respondents/ contemnors that that this Court ought to have seen that the some of the petitioners in the batch of writ petitions were retired from service and they were paid a sum equivalent to the pension for the period they were out of employment. Therefore this contempt case is liable to be dismissed.

7. This Court taken up the Review Application along with this Contempt Case for hearing. This Court upon hearing on both the sides, finds no merit in the review application, which was filed after lapse of several months from the date of the order passed in the writ petitions. Accordingly, this Court dismissed the review applications on 31.10.2023.

¹ (2006) 4 SCC 1

8. On 31.10.2023, this Court passed order, which reproduced hereunder

“Since the batch of review applications filed in W.P.No.23205 of 2013 and batch is dismissed, hence, the Contempt Cases are posted for compliance of the order of this Court, post on 15.11.2023, failing which the respondents/ contemnors are directed to be present in-person before this Court”.

9. This matter was listed on 24.11.2023 and on that day the respondents/contemnors also appeared before this Court without complying of the order. Therefore, this Court viewed seriously, though several adjournments were granted for compliance of the order of this Court, but in vain. In view of the said scenario, this Court finds that there is dereliction in discharging duties by the respondents/ contemnors deliberately disobeyed the order of this Court and consequently failed to comply with the order of this Court.

10. Since the review applications have been dismissed by this Court on 31.10.2023, as the issue of the respondents have already been considered and passed the order in accordance with law. Therefore, the respondents shall obey the order of this court.

11. In “**Maninderjit Singh Bitta vs. Union of India**², the Division Bench of the Hon’ble Apex Court held as extracted hereunder:

“Every person is required to respect and obey the orders of the court with due dignity for the institution. The Government departments are no exception to it.”

12. In “**T.N. Godavarman Thirumulpad vs. Ashok Khot**”³, the Division Bench of the Hon’ble Apex Court observed as extracted hereunder:

“It is also of some relevance to note that disobedience of court orders by positive or active contribution or non-obedience by a passive and dormant conduct leads to the same result. Disobedience of orders of the court strikes at the very root of the rule of law on which the judicial system rests. The rule of law is the foundation of a democratic society. Judiciary is the guardian of the rule of law. If the judiciary is to perform its duties and functions effectively and remain true to the spirit with which they are sacredly entrusted, the dignity and authority of the courts have to be respected and protected at all costs.”

13. In “**T. Girija Kumari vs. K. Venkateswara Rao**”⁴, the Hon’ble High Court of Andhra Pradesh observed as extracted hereunder:

“9. Contempt jurisdiction is sparingly exercised by the Courts because it is an extraordinary jurisdiction. The

² (2012) 1 SCC 273

³ (2006) 5 SCC 1

⁴ MANU/AP/0136/2012

jurisdiction is invoked usually not with the object of punishing a contemnor, but for protecting the dignity and authority of the Court.

10. Obedience of the orders of the Courts is foremost and sacred for maintenance of rule of law. Disobedience of the orders strikes at the very roots of rule of law and shakes the foundation on which the judicial system rests. Tolerance to disobedience is not in the interest of the judicial system because it will lose the confidence of those who have succeeded in the Courts.

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23. An order passed by a Court is sacrosanct and should be implemented. Implementation of an order cannot be refused under any pretext, so long as it remains in force and is not eclipsed or set aside in the hierarchy of remedies. Even if there is some difficulty in implementing the order, parties should approach the Court for appropriate clarifications. Otherwise, it would amount to disobedience to the Court.”

14. Further, in **“M. Santhi Vs. Mr. Pradeep Yadav and Another”**⁵ wherein the Hon’ble Madras High Court held as follows:

“20. The purpose of law of contempt is to protect the machinery of justice and the interests of the public in order to protect these dual interests, unwarranted interference with administration of justice must be prevented. The power to punish for contempt is conferred on Courts for two reasons. Firstly, that the Courts may be armed with the power to enforce their orders, Secondly, they may be able to punish obstruction to the administration of justice. To ensure these objective, there are also constitutional provisions dealing with contempt of Courts, apart from Contempt of Courts Act. Under Article 215 of the Constitution

⁵ Contempt Petition No. 377 of 2018, dated 11.04.2018 Madras High Court

of India a Court of record is a Court, the records of which are admitted to be evidentiary value and not to be questioned when produced before any Court. Such a Court enjoys a power to punish for contempt as its inherent jurisdiction. The impression created by the Court is that even if Article 129 and 215 were not there in Constitution the contempt powers of Courts of record would have been preserved. However the High Courts have to exercise his powers keeping in mind Section 20 of Contempt of Courts Act”.

15. The Hon’ble Madras High Court has clearly specified the purpose and object in filing the Contempt Case as cited supra. In the instant case, there is sheer violation in complying with the order of this Court. In view of the acts committed by the respondents in not complying with the order of this Court, the petitioner should not face any hindrance at the hands of the respondents for their own fault.

16. In view of the facts and circumstances of the case, this Court is of the view that the conduct of the respondents/ contemnors is such as would justify invocation of contempt jurisdiction of this Court. Not only have the contemnors unreasonably delayed and defaulted in compliance of the orders of this Court without explaining the cause for such default, or take steps for compliance; but they have also sought to avoid compliance of the order, even after taking benefit of the extended time period granted for compliance of the same both before stipulated time or after dismissal of the review applications.

17. I must express my inability to agree. It is incumbent upon the respondents, more particularly, those who are holding senior position in Government, to ensure that the Orders of this Court are complied in true letter and spirit and within the time stipulated for its compliance. Any difficulty which they may have in complying with the order of this Court would require them to invoke this Court jurisdiction seeking extension of time to comply with the orders. Admittedly, in the present case, though the request of the respondents in granting adjournments was conceded, till today they have not come with compliance order.

18. Under these circumstances, this Court is of the considered opinion that the respondents have wilfully disobeyed the order passed by this Court dated 26.07.2022 in W.P.No. 35841 of 2014 and thereby the respondents are found guilty of contempt and have rendered themselves liable for suitable punishment under the provisions of Contempt of Courts Act, 1971.

19. Accordingly, the Contempt Case is allowed and the respondents/ contemnors are sentenced to undergo simple imprisonment for a period of one (01) month and to pay a fine of Rs.1,000/- (Rupees one thousand only) each. In default, they shall undergo simple imprisonment for a period of one (01)

week. The Contemnors/ respondents are directed to surrender before the Registrar (Judicial) High Court of Andhra Pradesh on or before 08.12.2023 and on such surrender, the Registrar (Judicial), is directed to remand him to jail for a period of one (01) month.

As a sequel, miscellaneous applications pending, if any, shall also stand closed.

DR. JUSTICE K. MANMADHA RAO

Dated: 28.11.2023.

Note : Issue C.C by 29.11.2023

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