

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

**CONTEMPT CASE Nos.1527, 1792, 2007, 2008, 2114, 2115, 2116,
2117, 2118, 2120, 2240, 2247, 2251, 2252, 2257,2294, 2296, 2373,
2417, 2517, 2518, 2519, 2523, 2525, 2539, 2752, 2753, 2754, 2755,
2796, 2798, 2882,2932, 2933, 2950, 3051, 3053, 3054, 3064, 3130,
3131, 3167, 3213, 3278, 3279, 3286, 3296, 3298, 3303, 3639, 4103,
4395, 4399, 4511, 4513, 4529, 4530, 4532, 4534, 4535, 4536, 4548,
4549, 4623, 5098, 5101, 5245, 5250, 5588, 5589, 5923, 5995, 5998
of 2023**

COMMON ORDER:-

1. As the issue involved in all these writ petitions is inter-related, all these writ petitions are taken up together and are disposed of through this common order. C.C.No.2007 of 2023 is taken as a leading case.
2. This Contempt Case has been filed complaining the alleged willful disobedience in implementing the order dated 28.11.2022 by this Court in W.P.No.38433 of 2022.
3. Heard learned counsel for the petitioner, and the learned counsel appearing for the respondents and perused the material available on record.
4. Learned counsel for the petitioner submits that, in pursuance of Lr.Rc.No.091/E4-A/2022 dated 16.07.2022, the Government issued Notification dated 20.07.2022 for recruitment to the posts of 2324 Multipurpose Health Assistants (Male) in all the districts along

with some other paramedical posts. As per the notification, the qualification required is a pass in S.S.C. With reference to the said notification, some of the candidates invoked the remedies available by approaching the erstwhile Andhra Pradesh Administrative Tribunal, Hyderabad, but the O.As filed by them were dismissed. Aggrieved by the same, a batch of Writ Petitions vide W.P.No.15107 of 2002 etc., were filed. A Division Bench of the erstwhile High Court of Andhra Pradesh at Hyderabad by an order dated 11.09.2003 disposed of the matters, with a direction to the Government to prepare the select list of candidates in accordance with the rules, who possessed S.S.C and Diploma Certificates either from Government institutions or four private institutions and issue appointment orders, within a period of four weeks, duly terminating the services of those candidates, who were appointed by virtue of the interim orders passed by the High Court. The said order was carried in appeal to the Hon'ble Supreme Court, wherein by an interim order, dated 06.02.2004 in S.L.P(C) No.1925-44/2004, the Hon'ble Supreme Court was pleased to issue directions not to make any fresh appointments in pursuance of the judgment of the High Court in W.P.No.15107 of 2002 and that the appointments which

have already been made shall not be disturbed. As there is an acute need to fill up the posts of MPHAs (Male), the Government of Andhra Pradesh filed an interlocutory application in the batch of S.L.Ps mentioned supra. The Hon'ble Supreme Court by an order, dated 07.08.2006 was pleased to vacate the orders granting stay and permitted the State Government to fill up the vacancies from the selected candidates, subject to the outcome of Special Leave Petitions. The Hon'ble Supreme Court also recorded the statement made by the learned Additional Solicitor General that the candidates who were already appointed shall not be reverted. Pursuant to the orders of the Hon'ble Supreme Court, dated 07.08.2006, Government issued G.O.Rt.No.1234, dated 15.09.2006 for filling up of the posts of MPHAs (Male). Though the Government is permitted to fill up the posts from the merit list of 2002 written examination, it did not fill up the posts from the merit list and made appointments, as per its whims and fancies.

5. The S.L.Ps preferred by the Government of Andhra Pradesh were dismissed by the Hon'ble Supreme Court of India by judgment dated 09.08.2011 and thus the orders passed by the Division Bench, dated 11.09.2003 in W.P.No.15107 of 2002 and batch were

confirmed. In view of the orders of dismissal by the Hon'ble Supreme Court of India, the persons who were appointed in terms of G.O.Rt.No.1234, dated 15.09.2006 as also by virtue of the interim orders passed by the erstwhile High Court of Andhra Pradesh, Hyderabad based on Intermediate as educational qualification were terminated as per Government Orders in G.O.Rt.No.273, dated 16.02.2012. A fresh list was drawn as per the orders in W.P.No.15107 of 2002. The candidates whose services were terminated by virtue of G.O.Rt.No.273, dated 16.02.2012 made representations to the Government of Andhra Pradesh, which in turn, appointed a group of Ministers to take action on the said representations. On the advice of group of Ministers, the Government of Andhra Pradesh issued G.O.Rt.No.1207, dated 09.10.2013 to take back all the 1200 MPHAs (Male). Aggrieved by the said action of the Government in issuing G.O.Rt.No.1207, dated 09.10.2013, some of the candidates filed O.A.No.7441/2013 etc., before the erstwhile Andhra Pradesh Administrative Tribunal seeking suspension of the G.O.Rt.No.1207, dated 09.10.2013. By an order dated 28.11.2013, the Hon'ble Andhra Pradesh Administrative Tribunal Hyderabad dismissed O.A.No.7441/2013 and batch,

against which, the petitioners therein filed W.P.No.38060 of 2013 etc., before the erstwhile High Court of Andhra Pradesh, Hyderabad.

6. The Hon'ble High Court was pleased to grant stay of appointments made pursuant to G.O.Rt.No.1207, dated 09.10.2013. Seeking to vacate the said interim orders, the respondents therein filed a vacate stay petition vide W.P.M.P.No.1015/2014. After hearing the parties concerned, the Hon'ble High Court was pleased to issue directions dated 15.09.2015 to the respondent authorities therein to make efforts to implement the judgment of High Court, dated 09.11.2003 in W.P.No.15107 of 2002 and batch.

7. Pursuant to the above referred orders, the Government of Andhra Pradesh issued Memo No.7342/G2/2015-08, dated 24.05.2016, the relevant portion of which reads as follows:-

“The attention of the Director of Public Health & Family Welfare, A.P. Hyderabad is invited to the references cited and the Government after careful examination of the request in the reference 3rd cited hereby direct the Director of Public Health & Family Welfare A.P., 5 Hyderabad to take necessary action as per the orders of Hon'ble High Court, dated 15.09.2015 in W.P.No.38060 of 2013, 3178/2014 & 2504/2015 to appoint the candidates who are remained in

the Common Seniority List (SSC & Inter) prepared as per the orders of High Court/Apex Court after filling up of the 2324 posts of MPHA(M) and having merit over the individuals appointed through G.O.Rt.No.1207, HM&FW Dept., dated 09.10.2013 at first instance by terminating the individuals if necessary, those appointed in G.O.Ms.No.1207, dated 09.10.2013 and having lesser merit among the individuals who appointed so and thereafter, keeping in view of the observation of the Hon'ble High Court, take action to accommodate such terminated individuals as per their merit subject to availability of vacancies of MPHA(M) with the prior permission of Government only after completion of the above task.

8. Upon hearing both the parties, W.P.Nos.17665 of 2021 were disposed of by this Court on 27.12.2021 with the following directions:

- i) The respondents shall consider cases of the Writ Petitioners for appointment as MPHAs within a period of four (04) weeks from the date of receipt of copy of this order, in terms of Memo No.7342/G2/2015-8, dated 24.05.2016 based on their merit, if any candidate less meritorious than the Writ Petitioners are appointed;*

ii) If any of the Writ Petitioners have not submitted the relevant certificates/documents they should be called upon to submit the same by granting reasonable time of not less than four (04) weeks;

iii) In the event of any genuine objection for considering the case of any of the Writ Petitioners, they shall be notified the same by issuing appropriate notice/communication and afforded an opportunity before taking further action in the matter.

9. The order challenged in the W.P.No.38433 of 2022 was passed on the basis of the similar orders passed in common judgment W.P.No.17665 of 2021 & batch.

10. Learned counsel for the petitioners would submit that, the common order in W.P.No.17665 of 2021 & batch was challenged before the Division Bench of this Court in W.A.No.432 & 450 of 2022, wherein, the Division Bench vide common order dated 20.09.2022 dismissed the appeals, confirming the common order passed by the learned single Judge in W.P.No.17665 of 2021 & batch dated 27.12.2021.

11. Learned counsel for the petitioners contended that, pursuant to the common order passed by the Division Bench of this Court, the Government issued Memo No.7342/G2/2015-8 dated 24.05.2016 directing the Director of Public Health & Family Welfare and all District Medical Officers to implement the orders of this Court. Even then, the respondents did not appoint the petitioners as Multi Purpose Health Assistants though the candidates with lesser merit were appointed. Learned counsel would submit that, the respondents had no intention to implement the orders of this Court and deliberately flouting the orders of this Court on one pretext or the other. The failure on the part of the respondents in implementing the orders of this Court would amount to disobedience of the orders of this Hon'ble Court and, therefore, liable for punishment under Sections 10 to 12 of the Contempt of Courts Act, 1971. Complaining the same, the petitioners had filed the present Contempt Case.

12. Respondent No.2 – Director of Public Health and Family Welfare filed counter affidavits in all the contempt cases, admitting about non-compliance of numerous orders passed by this Court caused due to administrative delay and tendered unconditional apology to this Court for non-compliance/non-implementation of the

orders. In Paragraph No.17, it is submitted that, Respondent No.2 directed the Director of Public Health and Family Welfare, Vijayawada to take immediate steps to again re-consider the cases of the petitioners in terms of the orders passed in W.P.No.17665 of 2021. Immediately, the Director of Public Health and Family Welfare, Vijayawada issued proceedings dated 30.08.2023 directing the 4th respondent to re-consider the cases of the petitioners immediately for complying the orders of this Court. Accordingly, the 4th respondent vide proceedings dated 02.09.2023 issued notices and the petitioners attended the office of the 4th respondent on 13.09.2023. The 4th respondent explained to the petitioners about the difficulty in considering their cases for appointment to the post of MPHA due to pendency of W.P.No.21 of 2022 and also in view of the services related to communicable and non-communicable diseases. It is submitted that the 4th respondent being the appointing authority re-considered the issue and issued speaking orders vide proceedings dated 19.09.2023 informing about pendency of the writ petition and in view of no necessity of work for the MPHA at present, as such the candidature for appointment as MPHA is not feasible. Further, it was informed that the cases of the petitioners would be

considered in future basing on the necessity of work of MPHA as per their merit and as per rules, as such, prayed to close the Contempt Case against Respondent No.2.

13. Respondent No.3 – The District Collector, Kakinada filed counter affidavits in all the contempt cases, admitting that the order of this Court passed on 28.11.2022 was supposed to be implemented in four weeks, but the same could not be implemented in true spirit due to numerous orders due to administrative delay.

14. It is submitted that, after receipt of orders from this Hon'ble Court, the Government had conducted meeting and directed the 4th respondent – Appointing Authority to implement the orders of this Court in W.P.No.17665 of 2021. Accordingly, the 4th respondent issued speaking orders to the petitioners on 19.07.2023. It is submitted that, a review meeting was conducted on 29.08.2023 and after verifying the proceedings dated 19.07.2023 issued by the 4th respondent, it was noticed that the proceedings are not in consonance with the directions issued by the Hon'ble High Court in W.P.No.17665 of 2021 dated 27.12.2021.

15. Respondent No.4 – District Medical & Health Officer, Kakinada filed counter affidavits in all the contempt cases, denying material allegations. It is contended in that the final order dated 22.02.2023 of this Hon'ble Court was communicated to the office of the DM&HO on 15.03.2023 immediately, steps were taken to implement the directions of the Hon'ble Court. Accordingly, after taking into consideration of all the above facts and also in view of the present status that at present there is no necessity to appoint the MPHAs in view of the establishment of Village Secretariats and most of the field activities like MCH Services, Immunization, NCD screening is being carried out by ANMs in each village secretariat, now forced to appoint them by virtue of orders of this Hon'ble Court. By virtue of disposing the writ petition at admission stage if the petitioners are to be accommodated there will be a huge financial loss to the Government. Had this Hon'ble Court provided an opportunity to file counter affidavit all the above facts could have brought by way of counter and the matter have been decided on merits and requested to dismiss the contempt case.

16. Heard learned counsel for the petitioner and learned counsel appearing for the respondents and perused the record.

17. Before advertng to the facts of the case, I find it apposite to narrate the legal position for better appreciation of the case and application of law.

18. The Contempt of Court is defined under Section 2(a) as follows: "contempt of court means, civil contempt or criminal contempt", Whereas clause (b) of Section 2 defines Civil Contempt as "willful disobedience to any judgment, decree, direction, order, writ or other process of a court or willful breach of an undertaking given to a court."

19. The Contempt jurisdiction is not conferred on the Subordinate Courts and it is only conferred on the Court of record, in view of Article 215 of the Constitution of India. According to it, the High Court shall be a Court of record and shall have all the powers of such a Court, including the power to punish for contempt of itself. The jurisdiction of contempt is independent jurisdiction of its original nature. Therefore, this Court is competent to exercise such power to punish a person, who is guilty of contempt and this jurisdiction is

enjoyed by Courts, is only for the purpose of upholding the jurisdiction of the judicial system that exists. While exercising this power, the Court must not react by the emotion, but must act judicially. Contempt proceedings are intended to ensure compliance of the orders of the Court and strict adherence of rule of law. Once, the essentials for initiation of contempt proceedings are satisfied, the Court shall initiate action, uninfluenced by the nature of direction in a *pending lis* before the Court vide judgment in ***Priya Gupta and others vs. Additional Secretary, Ministry of Health and Family Welfare and others***¹). Contempt jurisdiction enjoyed by the Courts is only for the purpose of upholding the majesty of judicial system that exists. While exercising this power, the Courts must not be hyper sensitive or swang by emotions, but must act judicially (Vide: ***Chairman, West Bengal Administrative Tribunal vs. SK. Monobbor Hossain***²).

20. “Contempt” is disorderly conduct of contemnor causing serious damage to the institution of justice administration. Such conduct, with reference to its adverse effects and consequences, can be discernibly classified into two categories one which has a

¹ 2012 (12) SCALE 289

² (2012)3 SCALE 534

transient effect on the system and/or the person concerned and is likely to wither by the passage of time while the other causes permanent damage to the institution and administration of Justice (Vide: ***Kalyaneshwari vs. Union of India and others***³).

21. On perusal of the entire material placed before this Court along with the counter affidavit, it is observed that the respondents neither initiated proper steps for implementation of the orders of this Court, nor kept quiet without there being any appointments. In fact, the respondents are appointing other than the writ petitioners in the existing vacancies in utter disobedience of the orders of this Court.

22. The petitioners filed appointment orders issued by the respondents, pending contempt cases, substantiating their claim that others have been appointed on the guise that other persons are meritorious candidates, denying the right of the petitioners herein.

23. It appears that, on the guise of the compliance of orders of this Court, the respondents are appointing their interested persons on the ground of meritorious candidates by ignoring the petitioners even after filing contempt cases.

³ (2011) 6 SCALE 220

24. The other contention of the learned Government Pleader that, in view of the orders of this Court dated 04.01.2022 in W.P.No.21 of 2022, the respondents are not in a position to implement the orders of this Court is only an invention and to defeat the interest of the petitioners and to invent a legal reason to drag over the matters without implementing the orders of this Court.

25. On perusal of the counter affidavit, it appears that, keeping the orders of this Court aside, Respondent No.4 took a decision on his own that, there was no necessity to appoint the MPHAs in view of the establishment of Village Secretariats since most of the field activities like MCH Services, Immunization, NCD screening were being carried out by ANMs in each village secretariat, thereby, Respondent No.4 is being forced to appoint the petitioners by virtue of orders of this Hon'ble Court. Respondent No.4 also opined that, there would be huge financial loss to the Government, if the petitioners are appointed. Such callous attitude of the officer in disobeying the orders of this Hon'ble Court, taking his own decisions is highly reprehensible and it is also contrary to the method and manner, as directed by this Court. But, without following the method

and manner as directed by this Court and without undertaking any exercise to draw the merit list. Respondent No.4 acted as per her whims and fancies to favour the interested candidates, which is nothing but willful disobedience of the orders of this Court.

26. In the present facts of the case, Respondent No.4 with scant respect to the order passed by this Court, exhibited callous and negligent attitude in complying with the order, knowing the ill-consequences that flow from such violation i.e. conscious violation of the order of this Court, which amounts to violation of Rule of Law. Therefore, the act of Respondent No.4 by her disorderly conduct caused serious damage to the institution of justice administration. Such conduct, with reference to its adverse effects and consequences, can be discernibly classified into two categories one which has a transient effect on the system and/or the person concerned and is likely to wither away by the passage of time while the other causes permanent damage to the institution and administration of justice. (vide ***Kalyaneshwari vs. Union of India***⁴).

27. When once an order is passed, it is the duty of the authorities to implement the same without giving any interpretation and if the

⁴ (2011) 6 SCALE 220

order is contrary to law, they are at liberty to file appropriate appeal before the appellate authority. But, without preferring an appeal, the respondent/contemnor cannot interpret the order and give different meaning to the order passed by the Court, which is sought to be implemented, as directed by this Court. In fact, Respondent No.4 neither preferred writ appeal nor filed any vacate petition and also did not file any petition for modification either for exemption of time or for reduction of any liability amount to be paid. Such act of the respondent/contemnor is illegal in view of the law declared by the Hon'ble Apex Court in **Commissioner, Karnataka Housing Board vs. C. Muddaiah**⁵, wherein, it is held as follows:

31. We are of the considered opinion that once a direction is issued by a competent Court, it has to be obeyed and implemented without any reservation. If an order passed by a Court of Law is not complied with or is ignored, there will be an end of Rule of Law. If a party against whom such order is made has grievance, the only remedy available to him is to challenge the order by taking appropriate proceedings known to law. But it cannot be made ineffective by not complying with the directions on a specious plea that no such directions could have been issued by the Court. In our judgment, upholding of such argument would result in chaos and confusion and would seriously affect and impair administration of justice. The argument of the Board, therefore, has no force and must be rejected.

⁵ (2007) 7 SCC 689

32. The matter can be looked at from another angle also. It is true that while granting a relief in favour of a party, the Court must consider the relevant provisions of law and issue appropriate directions keeping in view such provisions. There may, however, be cases where on the facts and in the circumstances, the Court may issue necessary directions in the larger interest of justice keeping in view the principles of justice, equity and good conscience. Take a case, where ex facie injustice has been meted out to an employee. In spite of the fact that he is entitled to certain benefits, they had not been given to him. His representations have been illegally and unjustifiably turned down. He finally approaches a Court of Law. The Court is convinced that gross injustice has been done to him and he was wrongfully, unfairly and with oblique motive deprived of those benefits. The Court, in the circumstances, directs the Authority to extend all benefits which he would have obtained had he not been illegally deprived of them. Is it open to the Authorities in such case to urge that as he has not worked (but held to be illegally deprived), he would not be granted the benefits? Upholding of such plea would amount to allowing a party to take undue advantage of his own wrong. It would perpetrate injustice rather than doing justice to the person wronged. We are conscious and mindful that even in absence of statutory provision, normal rule is 'no work no pay'. In appropriate cases, however, a Court of Law may, nay must, take into account all the facts in their entirety and pass an appropriate order in consonance with law. The Court, in a given case, may hold that the person was willing to work but was illegally and unlawfully not allowed to do so. The Court may in the circumstances, direct the Authority to grant him all benefits considering 'as if he had worked'. It, therefore, cannot be contended as an absolute proposition of law that no direction of payment of consequential benefits can be granted by a Court of Law and if such directions are issued by a Court, the Authority can ignore them even if they had been finally confirmed by the Apex Court of the country (as has been done in the present case). The bald

contention of the appellant-Board, therefore, has no substance and must be rejected.

28. The same view is expressed by the Hon'ble Apex Court in ***Prithawi Nath Ram vs. State of Jharkhand and others***⁶, where the Court held that, while dealing with an application for contempt, the Court is really concerned with the question whether the earlier decision which has received its finality had been complied with or not. It would not be permissible for a Court to examine the correctness of the earlier decision which had not been assailed and to take the view different than what was taken in the earlier decision. If any party concerned is aggrieved by the order which in its opinion is wrong or against rules or its implementation is neither practicable nor feasible, it should always either approach to the Court that passed the order or invoke jurisdiction of the Appellate Court. Rightness or wrongness of the order cannot be urged in contempt proceedings. Right or wrong the order has to be obeyed. Flouting an order of the Court would render the party liable for contempt. While dealing with an application for contempt the Court cannot traverse beyond the order, non-compliance of which is alleged. It cannot traverse beyond the order. It cannot test correctness or otherwise of the order or give additional direction or

⁶ (2004) 7 SCC 261

delete any direction. That would be exercising review jurisdiction while dealing with an application for initiation of contempt proceedings. The same would be impermissible and indefensible.

29. In ***The State of Bihar vs. Rani Sonabati Kumari***⁷, the Hon'ble Supreme Court while dealing with violation of order passed under Order XXXIX Rules 1 & 2 of Civil Procedure Court, held that, a party proceeded against Order XXXIX Rule 2(3) of C.P.C for disobedience of an order of injunction cannot be held to have willfully disobeyed the order provided two conditions are satisfied viz., (1) that the order was ambiguous and was reasonably capable of more than one interpretation (2) that the party being proceeded against in fact did not intend to disobey the order, but conducted himself in accordance with his interpretation of the order. The question whether a party has understood an order in a particular manner and has conducted himself in accordance with such a construction is primarily one of-fact, and where the materials before the Court do not support such a state of affairs, the Court cannot attribute an innocent intention based on presumptions, for the only reason, that ingenuity of Counsel can discover equivocation in the order which is the subject of enforcement.

⁷ AIR 1961 SCC 221

Though undoubtedly proceedings under Order XXXIX Rule 2(3) of C.P.C have a punitive aspect – as is evident from the contemnor being liable to be ordered to be detained in civil prison, they are in substance designed to effect the enforcement of or to execute the order. This is clearly brought out by their identity with the procedure prescribed by Order XXI Rule 32 of C.P.C for execution of a decree for permanent injunction. No doubt the State Government not being a natural person could not be ordered to be detained in civil prison, On the analogy of Corporations; for which special provision is made in Order XXXIX Rule V C.P.C, but beyond that, both when a decree for a permanent injunction is executed and when an order of temporary injunction is enforced the liability of the State Government to be proceeded against appears to us clear.

30. While dealing with an application for contempt, the Court is really concerned with the question as to whether the earlier decision which has received its finality had been complied with or not. This Court is primarily concerned with the question of conduct of the party who is alleged to have committed default in complying with the directions in the judgment or order. If there is any ambiguity or indefiniteness in the order, it is for the concerned party to approach the Higher Court,

according to him/her the same is not legally tenable and such a question has necessarily to be agitated before the Higher Court. Assuming that a question arose about impossibility of complying with the order, if that was the case, atleast Respondent No.2 could have done was to assail correctness of the order/judgment before the Higher Court. If any party concerned is aggrieved by the order which in its opinion is wrong or against rules or its implementation is neither practicable nor feasible, it should always either approach the Court that passed the order or invoke jurisdiction of the Appellate Court. Rightness or wrongness of the order cannot be urged in contempt proceedings. Right or wrong the order has to be obeyed. Flouting an order of the Court would render the party liable for contempt.

31. Applying the principle laid down by the Hon'ble Supreme Court to the present facts of the case, this Court can safely conclude that, Respondent No.4, in utter disobedience of the order passed by this Court, consciously violated the order passed by this Court and did not implement the order, as directed by this Court. Such conduct would not only impede the rule of law, but also cause serious damage to the judicial institution and judicial administration. Therefore, such conduct of Respondent No.4 cannot be encouraged by this Court, taking lenient

view against such person who caused serious damage to the judicial institution itself.

32. On perusal of the counter affidavits/replies filed by Respondent Nos.1 to 3, indicates that they instructed Respondent No.4 about the orders of this Hon'ble Court and for implementation of the same, since Respondent No.4 is the appointing authority. As such, there have not violated nor disobeyed the orders of this Court, as such they are not liable for contempt, since they have taken all steps for implementation of the orders of the Hon'ble Court and pressed for closure of contempt proceedings against them. From the above analysis, this Court finds that Respondent Nos.1 to 3 being highest statutory authorities and Head of Department, they discharged their duties in short of compliance of the orders of this Hon'ble Court. Once after receipt of orders of this Court, it is the prime and mandatory duty on the part of the respondents that they collectively and individually are required to take all necessary steps to comply the orders of the Court in Letter and Spirit and also in all respects. But, contrary to the said settled principle, the acts and omissions of Respondent Nos.1 to 3 are only throwing the burden upon Respondent No.4 by issuing letters/proceedings, without taking required steps or without guiding Respondent No.4 is nothing

but violation and disregard towards the orders of this Court. Mere issuing proceedings instructing Respondent No.4 to comply the orders is not compliance. Being authorities, having knowledge about orders of this Court, they shall under statutory obligation to take all steps and also see that the orders of this Court should be implemented with concerned authority. In the instant case, Respondent Nos.1 to 3 neither acted as statutory higher authorities nor taken any steps with due indulgence in compliance of the orders of this Court, except through instructions the 4th respondent for implementation of the orders of this Court. Hence, Respondent Nos.1 to 3 are also liable for contempt.

33. In view of offering unconditional apology by Respondent Nos.1 to 3 to the Court and also in view of the issuance of proceedings or instructions to Respondent No.4, who is an appointing authority for implementation of the orders, the Court took lenient view against Respondent Nos.1 to 3, but they have committed contempt of court. Hence, they are liable for punishment under Section 12 of the Contempt of Courts Act.

34. As discussed above, and in view of the findings recorded by this Court in the above paragraphs, Respondent Nos.1 to 3 are liable for punishment as per Section 12 of the Contempt of Courts Act, 1971 and thereby they are punished to pay fine of Rs.2,000/- (Rupees Two Thousands Only) and Respondent No.4 – N. Shanti Prabha, District Medical & Health Officer, Kakinada is liable for punishment as per Section 12 of the Contempt of Courts Act, 1971, in all the contempt cases, and thereby she is punished sentencing her to undergo simple imprisonment for a term of six months (06) and to pay a fine of Rs.2,000/- (Rupees two thousand only).

35. In the result, contempt cases are allowed, directing Respondent Nos.1 to 3 to pay fine of Rs.2,000/- (Rupees Two Thousand Only) each and Respondent No.4 to undergo simple imprisonment for a term of six (06) months and to pay a fine of Rs.2,000/- (Rupees two thousand only).

36. Consequently, miscellaneous applications pending if any, shall stand closed.

JUSTICE VENKATESWARLU NIMMAGADDA

37. After dictating the above order, learned counsel for Respondent Nos.1 to 4/Contemnors requested this Court to suspend the above order, so as to enable them to prefer an appeal.

38. At request of the learned counsel for Respondent Nos.1 to 4/Contemnors, the above order is suspended for a period of six (06) weeks to prefer an appeal. In case no appeal is preferred or no stay is granted by the Appellate Court in the appeal if any preferred, Respondent Nos.1 to 4/Contemnors shall surrender before Registrar (Judicial), High Court of Andhra Pradesh on 19.08.2024 before 05.00 p.m to undergo sentence.

JUSTICE VENKATESWARLU NIMMAGADDA

Date: 08.07.2024

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THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

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