

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND
THE HON'BLE MRS. JUSTICE ANIS
CONTEMPT CASE No. 60 OF 2014**

ORDER: *(per Hon'ble Sri Justice Nooty Ramamohana Rao)*

Writ Petition No. 14387 of 2009 instituted by this very petitioner has been entertained by this Court. In that Writ Petition, on three different occasions, separate orders have been passed by a Division Bench of this Court. The first of those series of orders was passed on 01.02.2013. The operative portion thereof reads as under:

“ In the meantime, the State is hereby restrained from passing any orders against the express provisions made under Rule 9(7) of the Indian Administrative Service Pay Rules.”

Then, the State moved an Application, W.P.M.P. No. 8879 of 2013 with a prayer to modify the order dated 01.02.2013 passed in the Writ Petition. Entertaining the Miscellaneous Petition No. 8879 of 2013, this Court passed a detailed order on 04.06.2013 clarifying that “the earlier interim order does not preclude the State Government to take any steps in accordance with law.....”. Again, Writ Petition No. 14387 of 2009 was taken up by the Court on 27.09.2013. Another interim order was passed therein, the operative portion of which reads as under:

“ In view of the said judgment of the Supreme Court, we direct that the petitioner shall not create ex-cadre posts exceeding the number of cadre posts.”

The present Contempt Case was initiated on 22.01.2014 on the premise that the orders passed by this Court on 01.02.2013 as well as on 27.09.2013 have deliberately and purposefully been violated by the State. This case has been heard on several occasions by various Benches having the roaster to deal with it. We heard this Contempt Case on 14.08.2015, 21.08.2015, 28.08.2015 and 14.09.2015. On 04.11.2015, we have passed a detailed order recording the *prima facie* opinion that the State of Andhra Pradesh has acted in contravention of

the orders passed by this Court referred to by us supra. We have therefore, issued a show-cause notice returnable in eight weeks and in pursuance thereof, the matter was listed today.

At the hearing that has taken place today, the learned Advocate-General for the State of Andhra Pradesh is present and he is heard apart from hearing Sri Mohd. Shafiquzzaman, the party-in-person. The learned Advocate-General has brought to our notice that a Division Bench of this Court had occasion to deal with Contempt Case No. 294 of 2014 instituted by this very petitioner in this Court for hauling up the State and its agencies for having violated the order passed by this Court on 27.09.2013 in Writ Petition No. 14387 of 2009, which was referred to by us and quoted in the above paragraphs. That Contempt Case has been closed on 06.12.2014. Now a copy of the order passed by the said Division Bench on 06.12.2014 has been placed before us. The issue that is therefore, required to be noticed by us is this:

“ As to whether a party could have instituted two separate contempt proceedings virtually for securing the same relief and as to whether this Court would be justified in dealing with one of them, when the other has already been closed.”

Contempt of Court action is essentially intended for upholding the dignity and majesty of the institution. Such proceedings are quasi-criminal proceedings. It is therefore, very essential that the contemnors should be penalized, but however, only once. When once this Court has already exercised its jurisdiction and considered it appropriate to close a contempt proceeding, without any other intervening circumstance thereafter, it would not be appropriate for this Court to initiate further proceedings. In view of this principle, we are constrained to close the present proceedings also and consequently, the show cause notice issued by us on 04.11.2015 stands discharged.

NOOTY RAMAMOHANA RAO, J

ANIS, J

30th December 2015

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