

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

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And

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THE HON'BLE SRI JUSTICE S.RAVI KUMAR

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LETTERS PATENT APPEAL No.2 of 2012

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JUDGMENT: (per Hon'ble Sri Justice Ramesh Ranganathan)

This appeal is preferred by the petitioners, aggrieved by the order passed by the learned single Judge in C.C.No.382 of 2011 dated 08.07.2011. C.C.No.382 of 2011 was filed for violation of the order passed in W.P.No.23790 of 2008 dated 08.07.2010. By the order, passed in C.C.No.382 of 2011 dated 08.07.2011, the learned Single Judge directed the Government to verify the records pertaining to the order of regularization issued to the employees of Sri Varasiddhi Vinayaka Swamy Devasthanam, Kanipakam in the year 2005; and pass appropriate orders, as to the legality of the order of regularization, within a period of four weeks.

The Contempt Case, in C.C.No.382 of 2011, was filed alleging violation of the order passed in W.P.No.23790 of 2008 dated 08.07.2010. W.P.No.23790 of 2008 was disposed of, directing that a) as and when the Devasthanam undertakes the process of regular appointment of employees, the case of the petitioners, along with other similarly situated persons, also be considered; and b) the petitioners be paid the same emoluments as in the case of any other N.M.Rs.that are working in the Devasthanam.

It is evident, therefore, that the order passed by the learned Single Judge, in C.C.No.382 of 2011 dated 08.07.2011, travels beyond the order passed in W.P.No.23790 of 2008 dated 08.07.2010.

The Supreme Court in **Midnapore People's Coop. Bank Ltd.** **vs. Chunilal Nanda**^[1], and a Division Bench of this Court in

B.R.Meena, Vice-Chairman and Commissioner, A.P. Housing Board and others v. T.Bajrang and others^[2], have held that if the High Court, for whatsoever reason, decides an issue or makes any direction, relating to the merits of the dispute between the parties, in contempt proceedings, the said order can be subjected to challenge in an intra-Court appeal under Clause 15 of the Letters Patent.

The jurisdiction, exercised by this Court under the Contempt of Courts Act, 1971, is limited to an enquiry whether the order, passed by the Court, is violated; and, if so, whether the violation is wilful and deliberate. It is only if the violation of the order of the Court is found to be wilful and deliberate, would the Court be called upon to consider the nature and extent of punishment to be imposed on the contemnor. In proceedings, under the Contempt of Courts Act, this Court would neither travel beyond the order passed in the Writ Petitions, violation of which is alleged in the Contempt Case, nor would it issue directions other than those to punish the contemnor for contempt. As the learned Single Judge has exceeded his jurisdiction in issuing directions to the Government, in the Contempt Case filed by the petitioners-appellants, the order under appeal necessitates being set aside. The order passed by the learned Single Judge is, accordingly, set aside. The appeal is allowed. It is made clear that this Court has not expressed any opinion on the merits of the order passed by the learned Single Judge, and the order under appeal is being set aside only because no such order could have been passed in contempt proceedings. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

RAMESH RANGANATHAN, J

S.RAVI KUMAR, J

09th September, 2015.

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[\[1\]](#) (2006) 5 SCC 399

[\[2\]](#) 2011(4) ALT 709 (D.B.)