

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

Contempt Case No.1983 of 2014

Between:

____ M.Surender Reddy,
____ S/o. Venkatanarayana Reddy,
____ Aged 40 years,
____ Occ: Section Officer MA&UD Department,
____ O/o. MA & UD Department,
____ Secretariat, Hyderabad-500022.

... Petitioner

And

____ Sri Lingaraj Panigrahi, I.A.S.,
____ Special Chief Secretary to
____ Government (Services & HRM) I/c,
____ General Administration (SU.II) Department,
____ 'L' Block, 6th Floor,
____ AP Secretariat, Saifabad, Hyderabad-500022
____ and another.

... Respondents

DATE OF JUDGMENT PRONOUNCED: 12.08.2015

SUBMITTED FOR APPROVAL:

**THE HON'BLE SRI JUSTICE RAMESH
RANGANATHAN**

And

THE HON'BLE SRI JUSTICE S.RAVI KUMAR

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| 1 | <u>Whether Reporters of Local newspapers
may be allowed to see the Judgments?</u> | <u>Yes/No</u> |
| 2 | <u>Whether the copies of judgment may be
marked to Law Reports/Journals</u> | <u>Yes/No</u> |
| 3 | <u>Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment?</u> | <u>Yes/No</u> |

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**THE HON'BLE SRI JUSTICE RAMESH
RANGANATHAN**

And

THE HON'BLE SRI JUSTICE S.RAVI KUMAR

Contempt Case No.1983 of 2014

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

This contempt case is filed alleging violation of the orders passed by a Division Bench of this Court in W.P.M.P.No.2392 of 2012 in W.P.No.1927 of 2012 dated 22.02.2012 and in C.C.No.1817 of 2012 dated 21.01.2013.

W.P.No.2392 of 2012 was filed questioning the order passed by the A.P. Administrative Tribunal, Hyderabad in O.A.No.269 of 2011 dated 30.09.2011. The Division Bench passed an interim order, in W.P.M.P.No.2392 of 2012 in W.P.No.1927 of 2012 dated 22.02.2012, expressing its disinclination to suspend the operation of the order of the A.P. Administrative Tribunal. The Division Bench observed that the entire process, as directed by the Tribunal, shall go on by giving a reasonable opportunity to the proposed affected parties; receive their objections; and the final list/adjustment of the promotees as well as the direct recruitees, as against their quota, in the list as prepared, after considering the objections, be placed before the Court within three months from the date of receipt of a copy of the order, but the same shall not be given effect to until further orders.

As the respondents herein did not comply with the directions of this Court, the petitioner filed Contempt Case No.1817 of 2012 requesting that the respondent-contemnors be punished for violation/disobedience of the order dated 23.02.2012. On hearing the submissions of the learned Additional Advocate General, the Division Bench observed that the respondents had not adhered to the time stipulated by the Court in preparing the provisional seniority list; action had been initiated only after the contempt case was filed, and a provisional list was prepared; and, in view of the said memo dated 18.01.2013 calling for objections to the provisional seniority list for preparing the final seniority list, the respondents should place before the Court the final seniority list, after considering the objections, as expeditiously as possible preferably within a period of one month from the date of receipt of a copy of the order.

The provisional seniority, referred to in the order of the

Division Bench in C.C.No.1817 of 2012 dated 21.01.2013, is the provisional seniority list notified in Memo dated 18.01.2013 published in the A.P. Gazette on 18.01.2013. The respondents claim to have prepared a draft final seniority list vide memo dated 19.07.2013, and to have sent it to the learned Government Pleader for being placed before this Court; by memo dated 27.01.2014, this draft seniority list was called back to submit the same in the form of an affidavit; and, as the State of Andhra Pradesh was bifurcated into two states on 02.06.2014, a fresh provisional seniority list was published on 15.07.2015 calling for objections of all concerned.

The order of this Court, in W.P.M.P.No.2392 of 2012 in W.P.No.1927 of 2012 dated 22.02.2012, required the respondents to prepare the final seniority list within two months from the date of receipt of a copy of the order. Even the order passed by the Division Bench, in C.C.No.1817 of 2012 dated 21.01.2013, required the respondents to prepare a final seniority list preferably within one month from the date of receipt of a copy of the order. Nearly three and half years have elapsed since the Division Bench passed the order in W.P.M.P.No.2392 of 2012 in W.P.No.1927 of 2012 dated 22.02.2012, and around two and half years have passed since the order passed in C.C.No.1817 of 2012 dated 21.01.2013. Yet the final seniority list has not been prepared and submitted to this Court till date.

In contempt proceedings, the Court would only examine whether the order of this Court has been complied with or not; and, if not, whether such violation is willful and deliberate. The correctness or otherwise of the order, which is alleged to have been violated, would not fall for consideration in contempt proceedings. Disobedience of an order of court, whether prohibitive or mandatory, whether made ex-parte or upon hearing both parties, or interim or perpetual, amounts to contempt if it is calculated or tends to interfere with the administration of justice, or brings it into disrespect or disregard (**Jagarlundi Chandramouli v. K. Appa Rao**^[1]). Right or wrong, the order has to be obeyed.

Flouting an order of the court would render the party liable for contempt. (**Director of Education, Uttaranchal v. Ved Prakash Joshi**^[2], **Union of India v. Subedar Devassy PV**^[3], **Prithawi Nath Ram v. State of Jharkhand**^[4]). The power, to punish for contempt, is exercised to prevent perversion of the course of justice. (**Kapildeo Prasad Sah v. State of Bihar**^[5]). Once a direction is issued by a competent court, it has to be obeyed and implemented without reservation. The only remedy available to a party, who suffers an order, is to challenge it in accordance with law. The order cannot be rendered ineffective, by not complying with the directions on specious pleas, as it would seriously affect and impair administration of justice. (**Karnataka Housing Board v. C. Muddaiah**^[6]; **Patel Rajnikant Dhulabhai v. Patel Chandrakant Dhulabhai**^[7]).

The problems which the respondents now claim to be facing, on account of bifurcation of the States, is a post 2nd June 2014 event. Nothing prevented the respondents from complying with the order of this court dated 22.02.2012 during the period of more than two years from 22.02.2012 to 02.06.2014. If the respondents had any difficulty, in complying with the order of the Division Bench, they should have sought extension of time in the writ petition, which they have, admittedly, not done till date. It is evident that the plea of bifurcation is now taken only to avoid the rigor of punishment under the Contempt of Courts Act. As stated hereinabove, nothing prevented the respondents from complying with the order of this Court for more than two years from 22.02.2012 till 02.06.2014. We are satisfied that the violation of the order of the Division Bench is willful and deliberate and, as such, necessitates imposition of punishment under the Contempt of Courts Act. Ordinarily, this Court would impose the punishment of fine, and it is only in cases where there is an affront to the majesty of the Court would the contemnors be sentenced to imprisonment.

In the facts and circumstances of the present case, we

are satisfied that punishment of fine would meet the ends of justice. Both respondents 1 and 2 are sentenced with punishment of fine of Rs.2,000/- (Rupees Two Thousand Only) each, which both of them shall pay to the State of Andhra Pradesh within four (4) weeks from today, failing which they shall undergo a sentence of simple imprisonment for a period of one week each.

The contempt case is disposed of accordingly. Contempt Applications pending, if any, shall also stand dismissed.

RAMESH
RANGANATHAN, J

S.RAVI KUMAR, J

12th August 2015
Note: Issue C.C. in one (1) week.
JSU

[\[1\]](#) 1967(1) An.W.R.129
[\[2\]](#) 2005(6) SCC 98
[\[3\]](#) 2006(1) SCC 613
[\[4\]](#) (2004) 7 SCC 261
[\[5\]](#) (1999) 7 SCC 569
[\[6\]](#) (2007) 7 SCC 689
[\[7\]](#) (2008) 14 SCC 561