

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

C.C. No.1142 of 2012

Between:

Medarametla Padmavathi and others

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Petitioners

And

Sri/Smt. Hema Sujan,
Child Development Officer,
ICDS., Project,
Vinjamoor,
Sri Potti Sriramulu Nellore District and others.

...

Respondents

JUDGMENT PRONOUNCED ON 29.01.2016

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THE HON'BLE SRI JUSTICE G. CHANDRAIAH

1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? :
2. Whether the copies of judgment may be
marked to Law Reporters/Journals. :
3. Whether their Ladyship/Lordship wish to
see the fair copy of the Judgment? :

THE HON'BLE SRI JUSTICE G. CHANDRAIAH

C.C. No.1142 of 2012

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ORDER:

This contempt case has been filed seeking to punish the respondents for intentionally and willfully disobeying the order dated 06.01.2012 passed in W.P. No.282 of 2012 by this Court.

The case of the petitioners, in brief, is that they have filed W.P. No.282 of 2012 seeking direction to the respondents to allow the cases of the petitioners for conversion with retrospective effect as Anganwadi Workers from Early Child Education (ECE) Instructors in their respective places where the Anganwadi Centres started, by merging the ECE centres into ICDS., in view of the provisions of the G.O.Ms.No.49 dated 02.05.2000 and as per the judgment of this Court in W.P. No.18585 of 2003 dated 12.11.2003 by setting aside the impugned proceedings therein in Rc. No.943/A1/2008, dated 08.10.2008.

This Court on 06.01.2012, while disposing of the writ petition, observed that the case of the petitioners in the writ petition is that they are similarly situated to that of the petitioners in W.P. No.14017 of 2009, however, since they could not approach this Court along with other petitioners in the said W.P., they could not get the benefit of the orders passed in the said writ petition. Taking into consideration the same, this Court directed the respondents to consider the case of the petitioners, within six weeks, from the date of receipt of a copy of the order.

Complaining that the said order has not been complied with by the respondents, the petitioners filed the present contempt case.

On behalf of the respondents, the 2nd respondent has filed a detailed counter affidavit.

The learned counsel for the petitioners submitted that earlier the petitioners have filed number of writ petitions and in all the cases this Court

went on directing the respondents to consider the case of the petitioners and the respondents while considering the case of the petitioners rejecting the claim of the petitioners. Till now, there is no solution for the problem facing by the petitioners.

Based on the counter, the learned Government Pleader submitted that as per para 9 of the G.O. Ms. No.49 dated 02.05.2000 the financial assistance to the scheme is purely temporary and is proposed for a period of three years. At the end of three years i.e., for DPEP is would wound up of by 2003, the Women Development and Child Welfare Department will undertake review of the effectiveness of the scheme and take a decisions whether to continue it or not. The Government reserves the right to review, modify and to examine the desirability of the continuation or otherwise of the scheme, at any time, prior to the completion for the proposed three years. Further, it is also categorically stated that pursuant to the order passed by this Court on 06.01.2012 in W.P. No.282 of 2012 the 3rd respondent, District Collector, considered the case of the petitioners and rejected the same vide its Proceedings No.641/A1/2012 dated 26.07.2012. Therefore, there is no violation of the orders passed by this Court and this contempt case is liable to be dismissed.

As could be seen, it is clear that the Proceedings No.641/A1/2012 dated 26.07.2012 has been issued by the District Collector, in compliance of the order passed by this Court on 06.01.2012 in W.P. No.282 of 2012 and in the said proceedings the case of the petitioners was considered and rejected since the G.O.Ms. No.49 dated 02.05.2000 is not in force.

Admittedly, it is not case of the petitioners that pursuant to the order passed by this Court no action has been initiated on the part of the respondents. Since the proceedings dated 26.07.2012 has been issued by the District Collector, pursuant to the order passed by this Court,

I do not see any reason to say that the petitioners have made out their case to say that the respondents have violated the orders passed by this Court.

In that view of the matter, this contempt case is liable to be closed. Accordingly, this contempt case is closed. But, however, it is left open for the petitioners to question the validity of the proceedings dated 26.07.2012, if so advised.

As a sequel, miscellaneous petitions, if any, stands closed.
There shall be no order as to costs.

JUSTICE G.CHANDRAIAH

Date: 29.01.2016
LSK