

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Contempt Case No.2383 of 2018

ORDER:

The instant petition is filed in respect of the order dated 01.05.2007 of this Court in Writ Petition No.1207/1998 wherein the following order is passed:

“Accordingly, the impugned order is set aside and the Writ Petition is disposed of with a direction to the respondents to reconsider the petitioner’s request and pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of four weeks from the date of receipt of this order. No costs.”

2) Admittedly the contempt petition is filed about 11 years after the order was passed in W.P.No.1207/1998. Since Section 20 of the Contempt of Courts Act, 1971 (for short “the Act”) lays down that no Court shall initiate any proceedings for contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed, the matter is heard regarding the maintainability of the contempt petition.

3) Learned Senior Counsel Sri D.V.Seetharama Murthy, appearing for petitioner, would submit that order in Writ Petition was passed on 01.05.2007 and immediately thereafter the petitioner submitted a representation for reconsideration as directed by this Court and thereafter it appeared that File No.2852/CE-II/2010 was sent to the office of the Hon’ble Education Minister and thereafter to the office of Hon’ble Chief Minister and as there was no further movement, petitioner submitted a

reminder dated 24.10.2007. Thereafter, the Deputy Secretary to Government by Memo No.4646/CE.A1/2018 forwarded the same to Special Commissioner of Collegiate Education on 25.01.2018 requesting examination of the matter and immediate detailed report with remarks. However, no action has been taken and thereupon on 03.04.2018 once again the 2nd respondent was requested to send the remarks but he has failed to do so thereby he has violated the order dated 01.05.2007 in the writ petition. Hence the respondent committed contempt on 25.01.2018 and 03.05.2018 by failing to comply with the direction in the writ petition. The contempt petition is filed within one year from the aforesaid date of contempt and therefore, the contempt petition is well within the time as stipulated in Section 20 of the act and not barred by time.

4) Per contra, learned Government Pleader for Higher Education (AP), while vehemently opposing the petition would submit that the contempt petition was woefully barred by limitation prescribed under Section 20 of the Act since the petitioner has slumbered over the matter over a period of more than 10 years after the direction was given in the writ petition. He would submit that even if it is admitted that the file was under movement with the departments of the Government all the while and petitioner was making representations to the respondents, that will not give a fresh lease of limitation. The petitioner ought to have moved the contempt petition immediately after the expiry of four weeks time granted by this Court to the respondents for passing appropriate

order in respect of petitioner's request. Without resorting to such an exercise, he argued, the petitioner leisurely moved the contempt petition without any plausible reason. He thus prayed to dismiss the petition.

5) The point for consideration is:

"Whether the contempt petition is filed within the period of limitation stipulated in Section 20 of the Act to proceed with?"

6) **POINT**: Section 20 of the Contempt of Courts Act reads thus:

"20. Limitation for actions for contempt.—No court shall initiate any proceedings of contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed."

A plain reading of the above Section gives an understanding that the Court shall not initiate the contempt proceedings either *suo moto* or on the application of the concerned party after the expiry of a period of one year from the date on which the contempt is alleged to have been committed. So the pertinent question is when in the instant case, the contempt is alleged to have been committed. A perusal of order dated 01.05.2007 of this Court would show that the respondents were required to pass appropriate orders in accordance with law on petitioner's request within a period of four weeks from the date of receipt of the order. In that view of the matter, the petitioner need not wait for years together for filing the contempt petition. The clock of limitation ticks immediately after four weeks after the respondents received the copy of the order. Therefore, even if the submission made by learned counsel for petitioner

is accepted to be true, that will not stop the period of limitation or give a fresh lease of limitation for the petitioner to initiate contempt proceedings belatedly after 11 years. As rightly argued by learned Govt. Pleader, the petitioner ought to have initiated contempt proceedings by waiting for a reasonable period after four weeks of the order of this Court. Instead, it appears, he resorted to filing representations before the Government as mentioned in the contempt petition. As already stated supra, these acts will not save limitation. Under similar circumstances, in the decision reported in *M.Santi v. Pradeed Yadav and others*¹, when the petitioner filed contempt petition after lapse of about 9 years from the date of passing of order and in the meanwhile he was sending representations to the respondent after lapse of about six years from the date of passing of order by the High Court, learned Single Judge of the High Court of Madras held that the contempt petition was barred by limitation. The present case is also of similar type.

7) In the result, this Contempt Case is dismissed.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date:24.10.2018
SCS

¹ MANU/TN/1916/2018