

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

FRIDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

**THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
AND
THE HON'BLE SRI JUSTICE N.TUKARAMJI**

CONTEMPT CASE NO: 776 OF 2022

Contempt case filed under Sections 10 to 12 of the Contempt of Court Act, to punish the respondent for willfully violating and disobeying the Orders of the Hon'ble High Court Common Judgment dated 17-12-2021 in W.A.No. 277 of 2020 and batch

Between:

1. Regonda Srinivas, Age . 46 years, S/o. Rajanna, Occ. . Unemployed, R/o. H.No.3-5-139/B, Ramnagar, - Ramagundam-505208, Dist. Peddapalli, T.S.
2. CH. Srinivas Reddy, Age . 46 years, S/o. Thimma Reddy, Occ. . Unemployed, R/o. H.No. 3-109, Gunturupalli, / Elkalapalli Post, Kamanpoor, Palakurthi Mandal, Peddapalli Dist., T.S. 505188.
3. Vemula Venkateshwarlu, Age . 48 years, S/o. Ramaiah, Occ. Unemployed, R/o. H.No. 16-10-55/2, Kalyanagar, Godavarikhani, Ramagundam Mandal, Peddapalli Dist., T.S.
4. Ettineni Vaikuntam, Age . 44 years, S/o. Sambaiah, Occ. . Unemployed, R/o.H.No.3-1-203, Malyalapalli, Ramagundam Mandal, Peddapalli Dist., T.S.
5. Pandula Malleshham, Age . 47 years, S/o. Odelu, Occ. . Unemployed, R/o. H.No. 3-5-316/7, Ayodhyanager, Ramagundam, Ramagundam Mandal, Peddapalli Dist., T.S.
6. Kummarikunta Thirupathi, Age . 44 years, S/o. Chandraiah, Occ. . Unemployed, R/o. H.No. 4-5-116, Annapurna Colony, NTPC, Jyothinagar-505215, Ramagundam Mandal, Peddapalli Dist., T.S.
7. Atla Prabhakar, Age . 49 years, S/o. Rajalingu, Occ. Unemployed, R/o. H.No. 22-7-1/6, Kazipalli Village, Beside PTS Main Gate, NTPC, Jyothinagar-505215, Ramagundam (Mandal). Peddapalli Dist., T.S.

...PETITIONERS/ Respondents 1, 3, 7, 10, 12, 17, 21

AND

1. Mr Gurudeep Singh, Chairman and Managing Director, NTPC Limited, (A Govt of India Enterprises). Regd Office NTPC Bhavan, Scope Complex, 7 Institutional Area, Lodi Road, New Delhi 110003

2. Mr Manikanth, General Manager (HR), NTPC Limited, Southern Region Head Quarters, Kavadi guda, Secunderabad 500080 . Respondents/ Appellants

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased stay the contemptuous Notification No.01/2022 dated 1-2-22 inviting fresh application forms for the post of Junior Mazdoor (WO Grade) and cancelling the entire process of subject recruitment issued vide Employment No.01/2017 dated 9-3-2017

Counsel for the Petitioner: SRI. K LAKSHMI NARASIMHA

**Counsel for the Respondent Nos. 1 & 2 : SRI D. PRAKASH REDDY SENIOR
COUNSEL FOR MS. SUDHA**

The Court made the following: ORDER

**THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
AND
THE HON'BLE SRI JUSTICE N.TUKARAMJI**

CONTEMPT CASE No.776 of 2022

ORDER: (Per Dr.SA,I)

This Contempt Case, under Sections 10 to 12 of the Contempt of Courts Act, 1971, is filed by the petitioner, to punish the respondent herein for his wilful and deliberate non-compliance of the common judgment dated 17.12.2021, passed by a Division Bench of this Court in W.A.No.277 of 2020 and batch.

2. We have heard the submissions of Dr.K.Lakshmi Narsimha, learned Senior Counsel appearing for the petitioners, Sri D.Prakash Reddy, learned Senior Counsel appearing for Ms.Sudha, learned counsel for the respondents and perused the record.

3. Learned counsel for the petitioners would submit that all the petitioners herein are the absolute owners and possessors of the lands of various extents situated at different villages in Ramagundam Mandal, Karimnagar District. The said lands were acquired by the NTPC prior to 1980 and an award was passed, awarding compensation of the said land. All the petitioners herein were declared as land oustees and Land Oustee Identity Cards were also issued to them. Based upon the same, the petitioners

herein enrolled their names in the Employment Exchange, Karimnagar under the category of Land Oustees. NPTC has introduced a scheme to provide employment to the land oustees, apart from granting compensation for the land acquired. As per the said scheme, the Collector shall prepare a list of eligible displaced persons (land Oustees) for the purpose of providing employment. All the petitioners herein are eligible, qualified and entitled to be considered and appointed in the said quota. While so, the NTPC has issued employment notification No.2/2015, dated 15.05.2015 and requested the Employment Exchange, Karimnagar, for sponsoring names of land oustees of Ramagundam Super Thermal Power Station for filling up 25 posts of Junior Mazdoors in NTPC at Ramagundam. The said notification was issued pursuant to a decision taken in the meeting held on 18.07.2014 and 12.03.2015 with the Minister of Home and Labour, Government of Telangana, wherein, it was agreed by the NTPC to initiate recruitment process for filling up of 25 posts of Junior Mazdoors with eligible land oustees, immediately. Simultaneously, paper notification was also issued on 18.05.2015 calling for applications from eligible candidates. The recruitment to fill up 25 posts of Junior Mazdoors is a special drive recruitment, wherein, only eligible land oustees of Ramagundam STPS are entitled to



apply and was not a general recruitment. As per the said notification, the last date for receipt of application from the candidates who are eligible for being sponsored by Employment Exchange was 30.06.2015. Pursuant to the said notification, the employment exchange sponsored 463 candidates vide their letter No.2015/0018/0, dated 26.06.2015. The post of Junior Mazdoors is a non-executive post and as per the Recruitment Policy and practice of NTPC, recruitment to the said post is done by conducting interviews by a duly constituted Selection Committee. After receipt of applications, NTPC dispatched bio-data to all the 462 candidates on 01.10.2015 advising them to submit requisite details as stipulated in the said form. The petitioners also received the bio data sheets and accordingly, they have filled in the same and sent it to NTPC. After verifying the said bio-data sheets and after scrutiny, NTPC has dispatched interview call letters to all the eligible candidates, including the petitioners herein. Accordingly, interviews were held from 26.12.2015 to 31.12.2015 and all the petitioners herein have participated in the said interviews. The screening and interviews were completed and only the declaration of results of the selected candidates was left over. While NTPC was about to declare the results, a person by name Chepyala Aravind Rao, who also participated in the interview, filed

W.P.No.26043 of 2016 before this Court challenging the process of selection. However, none of the affected parties were made as parties in the above Writ Petition. A learned single Judge of this Court, vide order dated 14.12.2016, was pleased to allow the above said Writ Petition and the recruitment process undertaken by NTPC, pursuant to the employment notification No.2/2015, dated 15.05.2015, was set aside. Challenging that order, one Sri Mareilly Raji Reddy has filed W.A.No.138/2017 before a Division Bench of this Court and a Division Bench of this Court was pleased to allow the said Writ Appeal vide judgment dated 31.01.2017 by setting aside the order of the learned single Judge. However, liberty was granted to NTPC as to whether appointment should be made pursuant to the selection process already undertaken or whether a fresh selection process should be initiated. Thus, in terms of the order, dated 31.01.2017, passed in W.A.No.138 of 2017, a duty was cast upon NTPC to verify the facts alleged by the petitioner in that Writ Petition. However, without making any such efforts, NTPC issued a fresh Employment Notification No.01/2017, dated 09.03.2017. Challenging the said notification, three Writ Petitions were filed, i.e., (1) Mareilly Raji Reddy and nine others filed W.P.No.13222 of 2017; (2) Regonda Srinivas and others filed W.P.No.10252 of 2018; and (3) Vanamala Ramana Chary and

others filed W.P.No.46897 of 2018. This Court passed interim order, dated 17.04.2017, in the said Writ Petition, suspending the fresh employment Notification No.01/2017. However, NTPC has filed vacate stay petition vide I.A.No.1 of 2017 and the same was dismissed by this Court, vide order, dated 21.02.2018. No appeal was filed challenging the order dated 21.02.2018. Thus, the fresh employment notification No.01/2017 stood suspended by this Court. In spite of this fact, NTPC did not go ahead with the appointment. Subsequently, the aforementioned W.P.No.13222 of 2017, W.P.No.10252 of 2018 and W.P.No.46897 of 2018 were allowed by this Court, vide order, dated 17.07.2020, and the Employment Notification No.01/2017, dated 09.03.2017, was quashed. Aggrieved by the said order, NTPC have filed three Writ Appeals vide W.A.No.270 of 2020, W.A.No.277 of 2020 and W.A.No.286 of 2020. A Division Bench of this Court, vide order, dated 14.09.2020, was pleased to suspend the said order, holding as follows:-

"The operation of the Order, dated 17.07.2020, is hereby, stayed. It is also made clear that any selection under the impugned notification shall be subject to the decision of this Court."

In spite of the above said order, NTPC did not proceed with the recruitment process. Finally, this Court, vide common judgment, dated 17.12.2021, was pleased to allow all the three Writ Appeals

by setting aside the order, dated 17.07.2020, passed by a learned single Judge of this Court. The operative portion of the common judgment dated 17.12.2021 is extracted below:

"The reasons for cancelling the earlier advertisement dated 15.05.2015 are cogent and valid reasons and as the NTPC is now, adopting a transparent process, the impugned order passed by the learned Single Judge is set aside.

The NTPC is directed to conclude the entire process of subject recruitment within a period of two months from today and issue consequential appointment orders. With the aforesaid, the writ appeals stand allowed.

The miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs."

In view of the aforesaid judgment, NTPC was required to complete the entire process of subject recruitment within a period of two months from the date of the order i.e., 17.12.2021. The subject recruitment is of the year 2017. All that is required to be done by NTPC is to conduct examination of those persons whose names were sponsored from the Employment Exchange, which are readily available with NTPC. NTPC did not follow the dicta laid down by this Court. Respondent Nos. 1 and 2, being Chairman and Managing Director of NTPC and General Manager (HR), NTPC, have no respect for the orders of this Court. Instead of completing the recruitment process, as directed by this Court, it had violated the same with impunity by issuing another Fresh Notification No.1/2022, dated 01.02.2022 and cancelled the recruitment process initiated vide Employment Notification No.01/2017, dated

09.03.2017. The respondent No.2 has deliberately violated the orders of this Court by withdrawing the subject recruitment Notification No.01/2017. By so doing, the petitioners herein, who were eligible as per the Notification No.01/2017, were excluded in the Fresh Notification No.01/2022. The fact that NTPC is not proceeding with conducting of examinations and straight away giving appointments orders itself is gross disobedience of the orders of this Court. After cancelling the subject recruitment notification No.01/2017 by way of fresh notification No.01/2022, NTPC filed I.A.No.1/2022 seeking extension of time. This extension application was dismissed by this Court vide order, dated 11.03.2022. NTPC ought to have completed the recruitment process vide Notification No.01/2017 by this time. But it purposefully failed to do so and made the petitioners herein to suffer. Thus, the respondents are guilty of contempt for deliberately and wilfully violating the orders of this Court. Further, SLP No.4350 of 2020 filed by the petitioners challenging the final orders in the Writ Appeals, were dismissed by the Hon'ble Supreme Court vide order, dated 16.03.2022, and as such, orders of this Court has become final. The respondents have got scant respect to the orders which is evident by the fact that they have deliberately violated the orders of this Court passed in W.A.No.277

of 2020 and Batch, dated 17.12.2021, by a Division Bench of this Court and deliberately avoiding to implement the orders of this Court and accordingly, prayed to punish the respondents for wilful and deliberate non-compliance of the order, dated 17.12.2021, passed by a Division Bench of this Court in W.A.No.277 of 2020 and batch.

4. *Per contra*, learned senior counsel appearing for the respondents would submit that as per NTPC's R&R Policy-'Policy on facilities to be given to land-oustees' circulated vide CPC No.53/80, dated 19.06.1980, there is obligation on NTPC to provide employment to all the land oustees or their nominees. However, depending on the requirements and vacancy, preference would be given to the land oustees. The State Government will prepare the list of nominees (of Land Ousteas to get the benefit in the form of employment or shop allotment etc. from NTPC) and forward the same to Employment Exchange, with a request to forward to the Project in the matter of their employment. NTPC had issued Employment Notification No.02/2015, dated 15.05.2015, and forwarded the same to Employment Exchange, Karimnagar, for sponsoring the names of Land Ousteas of Ramagundam Super Thermal Power Station (for short, "the Project") for filling up 25 posts of Junior Mazdoor (WO grade) in NTPC, Ramagundam. Paper

notifications were also issued calling for applications from eligible candidates in addition to candidates sponsored by Employment Exchange. NTPC has provided employment to 496 land-oustees, since the inception of the Project. The following facilities were also extended to the Land Oustees or their nominees in lieu of employment from time to time: (i) Hiring of jeeps from the Land Oustees; (ii) Allotment of shops for running their business in the Township; and (iii) Preference to Land Oustees in contractual engagements etc. Considering the nature of work and the amount of automation and digitization taking place in NTPC, requirement for the last grade employment i.e. WO grade is very minimal and as such, there was no requirement for the post of WO grade, i.e., Junior Mazdoor in NTPC. However, in pursuance of an agreement arrived at in a meeting called by the Minister for Home and Labour, Government of Telangana, NTPC, as a special case, agreed to recruit 25 Junior Mazdoors in WO grade from amongst the Land Oustees of Ramagundam Project. The recruitment process was based on only interview as per the prevailing policy at that time. Pursuant to the Employment Notification No.02/2015, NTPC has sent call letters to candidates who were *prima facie* found eligible for interview and interviews were held from 26th to 31st of December, 2015. The short listing of the Candidates was done

based on the interview. At this juncture, one Aravind Rao, who was also interviewed for the above post, challenged the Notification by filing W.P.No.26043 of 2016 before this Court. A learned Single Judge of this Court had allowed said Writ Petition on 14.12.2016 by setting aside the Notification No.02/2015 and the selection process undertaken till then and directed NTPC to follow the directions issued by Government of India regarding the recruitment of last grade employees i.e., by conducting written test instead of interviews. Challenging the said order, one Mareilly Raji Reddy, another Land Oustee, who appeared for the interview held pursuant to Notification No.02/2015, had filed W.A.No.138 of 2017 before a Division Bench of this Court and the Division Bench of this Court vide judgment dated 31.01.2017 had set aside the order dated 14.12.2016 passed by the learned Single Judge. The relevant portion of the judgement dated 31.01.2017, reads as follows:

"... While the submission of Sri V. Ravi Kiran Rao, that several irregularities were committed in the selection process, cannot be brushed aside, it must also be borne in mind that the mere fact that interviews have been held does not confer any right on the participating candidates to claim appointment nor does it obligate NTPC to make appointments to the posts for which interviews were conducted. Whether appointments should be made pursuant to the selection process, or whether a fresh selection process should be undertaken, are all matters for the 4th respondent to decide. Needless to state that the action taken by NTPC in this regard can always be subjected to challenge, by any person aggrieved, in subsequent legal proceedings..."

Therefore, pursuant to the liberty granted by this Court, NTPC cancelled the Notification No.02/2015 and issued fresh Notification No.01/2017, dated 09.03.2017, for selection of Junior Mazdoor in WO grade by way of written test, after amending the recruitment policy in tune with the Government of India's directions issued in this regard. However, the said Notification No.01/2017 was challenged by (1) Mareilly Raji Reddy (in WP No.13222 of 2017); (2)Regonda Srinivas and others (in WP No.10252 of 2018) and (3)Vanamala Ramana Chary and others (in WP No.46897 of 2018) before this Court and the three Writ Petitions were allowed by a learned Single Judge of this Court, vide common order, dated 17.07.2020 and Notification No.01/2017, dated 09.03.2017, was quashed. The learned single Judge of this Court directed NTPC to complete the recruitment conducted in pursuance of the notification No.02/2015 within three months. The operative portion of the judgement reads as follows:

"... Therefore, the NTPC could not have cancelled the selections on the ground which was held to be bad by the Hon'ble Division Bench in the order dated 31.01.2017 in W.A.No.138 of 2017. Therefore, the impugned Notification dated 09.03.2017 issued by the NTPC is liable to be set aside and is accordingly set aside. The decision of NTPC to cancel the earlier selections made pursuant to the Notification dated 16.05.2015 is also liable to be set aside as it is contrary to the findings of the Hon'ble Division Bench in W.A.No.138 of 2017, dated 31.01.2017, and accordingly, it is set aside. The NTPC is directed to conclude the selection process initiated pursuant to the Notification dated 16.05.2015 within a reasonable period of time, preferably within a period of Three (03) months from the date

of receipt of a copy of this order. With these observations, W.P.No.13222 of 2017 is allowed."

Aggrieved by the aforementioned order of the learned Single Judge, NTPC filed three Writ Appeals viz., W.A.No.270 of 2020, W.A.No.277 of 2020 and W.A.No.286 of 2020. A Division Bench of this Court, vide judgment dated 17.12.2021, allowed all three Writ Appeals by setting aside the order of the learned Single Judge. The operative portion of the judgement dated 17.12.2021 reads as follows:

"The reasons for cancelling the earlier advertisement dated 15.05.2015 are cogent and valid reasons and as the NTPC is now adopting a transparent process, the impugned order passed by the learned Single Judge is set aside. The NTPC is directed to conclude the entire process of subject recruitment within a period of two months from today and issue consequential appointment orders."

A copy of the judgment dated 17.12.2021 was made available on the website of this Court on 22.12.2021. Keeping in view the judgment of this Court and several intervening factors that arose between 2017 and 2021, a note was initiated on 25.12.2021 for conducting recruitment of 25 posts of Junior Mazdoor grade from amongst the Land Oustees of Ramagundam by issuing a fresh Notification No.01/2022 and cancelling the earlier Notification No.01/2017. The said proposal was approved by the competent authority at NTPC and such approval was received on 28.01.2022 with a direction to follow the age relaxation extended in the

Notification No.01/2017 with the new cut-off date to be fixed. Accordingly, NTPC has issued a fresh Notification and cancelled the Notification No.01/2017 due to the following reasons:

- a) The direction was to complete the subject recruitment for filling the 25 posts of Mazdoor from Land Oustee quota. Since the list available with NTPC was forwarded by the Employment Exchange in early 2017, the list lost its validity as per the guidelines issued by DOP&T, Govt of India.
- b) The letter of sponsorship of the 2017 list also specifies the validity of the said list as three months. As such NTPC had no valid sponsored list as on the date of judgement.
- c) Since more than four years elapsed from the date of the 2017 sponsored list, NTPC had to accommodate the additions and deletions in the sponsored list on account of death, nominee change, over age etc.
- d) To make it more transparent and to have an updated list of Land Oustees, NTPC again notified the vacancies and asked for fresh list from the Employment Exchange.
- e) In the year 2019 a policy change was made by the Government of India by including reservation for Economically Weaker Section and also there was the inclusion of some disability types with respect to extending reservation to PwD (Persons with Benchmark Disability) which were not in the list before.

The new notification No.01/2022 was issued after taking into account these policy changes also. On receipt of approval for fresh recruitment, NTPC has been carrying out the various ancillary activities connected to the recruitment viz., identification of an independent recruitment agency, verification of sponsored list etc. Considering the time required for completing the recruitment process after finalising the recruiting agency and getting sponsored list from the Employment Exchange and its scrutiny etc., NTPC has

filed applications in the three Writ Appeals referred above for extension of time by another two months and for completing the recruitment by 30.04.2022. The applications were filed well within the time of two months granted by the Court and the petition was listed for hearing on 11.03.2022. However, the Hon'ble Court has rejected the extension petitions on 11.03.2022. The said order is reproduced below:

"The matter to recruitment in respect of Land Oustees. The land was acquired in the year 1996 and still the NTPC is praying for extension of time. The Court does not find any reason to grant any further extension in the matter. The application for extension of time is rejected."

The Petitioners herein also filed SLP(C)No.4350 of 2022 before the Hon'ble Supreme Court challenging the verdict of Division Bench dated 17.12.2021 in W.A.No.277 of 2020. However, the Hon'ble Supreme Court dismissed the petition at the admission stage itself on 16.03.2022 and the Order reads as under:

"We see no reason to interfere with the impugned judgement and order passed by the High Court in exercising of power under Article 136 of Constitution of India. The Special Leave Petition stands dismissed."

NTPC, as on date, has finalized the merit list by way of written test and issued the provisional offer of appointment to the 25 candidates. The sequence of significant events that lead to

Issuance of fresh Employment Notification No.01/2022 dated 01.02.2022, are as follows:

- a) Employment Notification No.01/2022 issued on 01.02.2022.
- b) Cut-off date for sponsoring the list by Employment Exchanges was 22.02.2022.
- c) Sponsored list along with other details from Employment Exchanges - Karimnagar and Peddapalli were received vide letters dated 07.03.2022 and 09.03.2022 respectively.
- d) Identifying and Hiring of Recruitment Agency and award of contract to agency on 04.04.2022.
- e) Admit cards for the written tests along with the blank Bio-Data forms were dispatched on 06.04.2022 to all the 218 candidates sponsored by the District Employment Exchanges - Karimnagar and Peddapalli.
- f) Written test was conducted on 22.04.2022. The filled-in Biodata forms were collected on the day of Written test.
- g) The land oustee data of all the candidates who attended the Written tests was forwarded to RDO, Peddapalli vide letter dated 23.04.2022 for verification and the verification details were received on 29.04.2022.
- h) List of 25 candidates provisionally selected was displayed on the notice boards of NTPC-Ramagundam and District Employment Offices of Peddapalli and Karimnagar on 12.05.2022.
- i) Provisional offers of appointment were issued to the candidates on 12.05.2022.
- j) The joining of the candidates was subject to verification of credentials viz. Educational Qualification & Land Oustee status by the concerned issuing authorities, verification of employment in NTPC or other R&R facilities in lieu of employment to the original awardee/nominee/nominees or any other family member of the awardee and fitness in medical test.
- k) After the display of the list of provisionally selected on the Notice Boards on 12.05.2022, the details of the 25 provisionally selected candidates were forwarded to the respective issuing authorities for verification of the authenticity of various credentials as mentioned above, particularly for Land Oustee Status and Education Status vide letters dated 19-05-2022 and 23-05-2022 respectively.

l) NTPC has also received a complaint with respect to irregularities in the Land Oustee status of the provisionally selected candidates and the same was forwarded to RDO, Peddapalli (issuing authority of Land Oustee Certificate) vide letter dated 30.05.2022 for verification from their respective records.

m) In response to the NTPC's letter dated 19.05.2022 for verification of the authenticity of Land Oustee status of the provisionally selected candidates, RDO, Peddapally vide letter dated 01.06.2022 has informed that he has called for the original certificates from the provisionally selected candidates for verification.

n) As communicated in the provisional offer of appointment, the submission of attested copies of relevant documents and their matching with originals was completed on 02.06.2022. However, the medical test scheduled after the submission of documents on 02.06.2022 was deferred due to non-receipt of verification of credentials. The same was communicated to the candidates by displaying notice dated 02.06.2022 on the notice boards of NTPC-Ramagundam.

The status of verification of credentials of the 25 candidates as on date is as follows:

a. Verification of land Oustee status of the 25 candidates received from RDO, Peddapalli is as mentioned below:

i. Vide letter dated 23.06.2022, he has forwarded the details of 10 candidates mentioning the details of land oustee status as 'correct'.

ii. Vide letter dated 05.07.2022, he has forwarded the details of 08 candidates mentioning that they have produced copies of Orders of this Hon'ble High Court to include the change in nominee and they were verified.

iii. Vide letter dated 18.07.2022 he has forwarded the details of 07 candidates mentioning that for 05 candidates certificates were issued by the then RDO, Peddapalli vide Lr.No.B/2131/2003 dated 15.11.2003 and nominee name has been changed without court case number being mentioned for the said certificates. For the other 02 candidates the then RDO has issued the certificates vide Lr.No.B/4149/93 dated 19.05.1998 and 28.08.1998. Further, RDO has also stated that the original files of these 07 candidates are not traced out.

iv. Vide letter dated 08.08.2022 he has informed that the nomination for 01 of the candidates (for whom Land Oustee

certificate was issued vide Lr.No.B/4149/93 dated 19.05.1998) was changed through Hon'ble High Court order.

Further, several complaints were received from the Land Oustee Welfare Association alleging that the Land Oustee status of many of the selected candidates is incorrect/false. In the latest complaint received vide letter dated 08.08.2022, they have enclosed the verification reports of RDO (obtained through RTI) and alleged that the land oustee status of only 07 candidates is genuine and for other 18 candidates, it is fake. NTPC has utmost respect for the orders of this Court. In fact, this Court had directed the NTPC to complete the entire process of subject recruitment and issue appointment orders within two months from 17.12.2021. To ensure that the eligible candidates do not lose out an employment opportunity and to keep the recruitment process within eligible candidates only and for it to be in tune with the changed policy of reservation for economically weaker section and the physically challenged (including of disability types), a decision was taken to issue a fresh Notification and cancel the earlier Notification No.01/2017 and no resources were spared to meet the time limit imposed by this Court. In fact, all the petitioners herein have received the admit cards for the written test and all the petitioners, except Sri E. Vaikuntam, S/o. Sambaiah, participated in the written test conducted on 22.04.2022 and therefore, it is

incorrect to contend that they were excluded from the purview of Notification No.01/2022. The dicta of this Court was genuinely and earnestly understood to mean that the recruitment of 25 Nos. of Junior Mazdoor in WO category was to be completed within two months and all efforts were made to meet the time limit imposed as narrated above. There is no wilful and deliberate non-compliance of the order this Court as contended. While it is true that the petitions filed for extension of time by NTPC were dismissed on 11.03.2022, all efforts are being made to complete the recruitment process even as on date. Further, respondent No.1 herein, being the Chairman and Managing director of NTPC, is not tasked with monitoring the day-to-day administration activities of NTPC like recruitment, administrative activities etc. He is tasked with taking broad policy decisions in the Company and he does not have any direct knowledge/involvement in the recruitment process detailed above. There is no iota of truth in saying that NTPC has been deliberately issuing one Notification after other and playing loose with the lives and aspirations of Land Oustees. Further, mere delay in implementing the order of this Court would not amount to deliberate non-compliance of the order. NTPC has tried its best to ensure that the process of recruitment happens in an expeditious manner and within the time imposed by

this Court. In spite of that, there was delay in implementing this Court's Order, dated 17.12.2021 for which NTPC is submitting its unconditional apology to this Court for failing to complete the recruitment process within the two month's time, as directed by this Court vide common judgment, dated 17.12.2021 in W.A.No.277 of 2020 and batch.

6. In view of the above rival submissions, the points that arise for determination in this Contempt Case are as follows:

1. *Whether there is any wilful disobedience of the order dated 17.12.2021 passed by a Division Bench of this Court in W.A.No.277 of 2020 and batch, by the respondent Nos.1 and 2?*

2. *If so, what would be the punishment? Whether simple imprisonment for a term which may extend to six months, or fine, or with both?*

7. **POINT:** There is no dispute that the petitioners are the owners of the lands situated at different villages in Ramagundam Mandal, Karimnagar District and their lands were acquired by the NTPC prior to 1980 and compensation was paid under different awards. The petitioners were declared as land oustees and Land Oustee Identity Cards were issued to them. Based on the ID cards, they enrolled their names in the Employment Exchange, Karimnagar, under the category of Land Oustees. NPTC has introduced a scheme to provide employment to the land oustees,

apart from granting compensation for the land acquired. All the petitioners herein are eligible, qualified and entitled to be considered and appointed under the said scheme. While so, an employment Notification No.02/2015, dated 15.05.2015, was issued by the NTPC and a request was made to the Employment Exchange, Karimnagar, to sponsor the names of land oustees of Ramagundam Super Thermal Power Station to fill up 25 posts of Junior Mazdoors in NTPC at Ramagundam. The said notification was issued pursuant to a decision taken in the meeting held on 18.07.2014 and 12.03.2015 with the Minister of Home and Labour, Government of Telangana. Simultaneously, paper notification was also issued on 18.05.2015 calling for applications from eligible candidates to recruit 25 posts of Junior Mazdoors as a special drive recruitment, wherein only eligible land oustees of Ramagundam STPS were eligible to apply. The Employment Exchange sponsored 463 candidates vide letter No.2015/0018/0, dated 26.06.2015 and the NTPC dispatched bio-data to all those candidates on 01.10.2015 requesting them to submit details as stipulated in the said forms and the petitioners have submitted the same within the stipulated time. After verification of bio-data sheets and NTPC dispatched interview call letters to all the eligible candidates, including the petitioners herein. Accordingly, interviews were held

from 26.12.2015 to 31.12.2015 and all the petitioners herein have participated in the said interviews. The screening and interviews were completed and only the declaration of results of the selected candidates was left over. While NTPC was about to declare the results, a person by name Chepyala Aravind Rao, who participated in the interview, filed W.P.No.26043 of 2016 before this Court challenging the process of selection. A learned single Judge of this Court, vide order dated 14.12.2016, was pleased to allow the above said Writ Petition and the recruitment process undertaken by NTPC, pursuant to the employment notification No.2/2015, dated 15.05.2015, was set aside. Challenging that order, one Sri Mareilly Raji Reddy has filed W.A.No.138/2017 before a Division Bench of this Court and a Division Bench of this Court was pleased to allow the said Writ Appeal vide judgment dated 31.01.2017 by setting aside the order of the learned single Judge. However, liberty was granted to NTPC as to whether appointment should be made pursuant to the selection process already undertaken or whether a fresh selection process should be initiated. Challenging the fresh notification (No.01/2017), three Writ Petitions were filed, i.e., (1) Mareilly Raji Reddy and nine others filed W.P.No.13222 of 2017; (2) Regonda Srinivas and others filed W.P.No.10252 of 2018; and (3) Vanamala Ramana Chary and others filed

W.P.No.46897 of 2018. This Court passed interim order, dated 17.04.2017, in the said Writ Petition, suspending the fresh employment Notification No.01/2017. However, NTPC has filed vacate stay petition vide I.A.No.1 of 2017 and the same was dismissed by this Court, vide order, dated 21.02.2018. No appeal was preferred against the dismissal of said vacate stay petition. Subsequently, the aforementioned W.P.No.13222 of 2017, W.P.No.10252 of 2018 and W.P.No.46897 of 2018 were allowed by this Court, vide order, dated 17.07.2020, and the Employment Notification No.01/2017, dated 09.03.2017, was quashed. Aggrieved by the same, NTPC filed three Writ Appeals vide W.A.No.270 of 2020, W.A.No.277 of 2020 and W.A.No.286 of 2020. A Division Bench of this Court, vide order, dated 14.09.2020, was pleased to suspend the said order, holding as follows:

"The operation of the Order, dated 17.07.2020, is hereby, stayed. It is also made clear that any selection under the impugned notification, shall be subject to the decision of this Court."

In spite of the same, recruitment process was not completed by the NTPC. Finally, a Division Bench of this Court, vide common judgment, dated 17.12.2021, was pleased to allow all the three Writ Appeals by setting aside the order, dated 17.07.2020, passed

by a learned single Judge of this Court. The operative portion of the common judgment dated 17.12.2021 reads as follows:

"The reasons for cancelling the earlier advertisement dated 15.05.2015 are cogent and valid reasons and as the NTPC is now, adopting a transparent process, the impugned order passed by the learned Single Judge is set aside. The NTPC is directed to conclude the entire process of subject recruitment within a period of two months from today and issue consequential appointment orders.

With the aforesaid, the writ appeals stand allowed. The miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs."

In view of the aforesaid judgment, NTPC was required to complete the entire process of recruitment within a period of two months from the date of the judgment. A copy of the judgment dated 17.12.2021 was made available on the website of this Court on 22.12.2021. In view of the judgment dated 17.12.2021 passed by a Division Bench of this Court in W.A.No.277 of 2020 and batch, NTPC ought to have completed the entire subject recruitment within a period of two months from the date of judgment. NTPC did not complete the process of recruitment within the time stipulated. Instead of completing the recruitment process as directed by this Court, NTPC violated the orders of this Court by issuing another Fresh Notification No.1/2022, dated 01.02.2022 and cancelled the recruitment process initiated vide Employment Notification No.01/2017, dated 09.03.2017. The respondent Nos.1 and 2 did not obtain any order from the Hon'ble the Division Bench

or sought any clarification to say goodbye to the Notification No.01/2017 dated 09.03.2017. The respondent No.2 has deliberately violated the orders of this Court by withdrawing the subject Employment Notification No.01/2017. The respondents submitted that a complaint vide letter dated 08.08.2022 was received alleging that the land oustee status of only 07 candidates was genuine and for other 18 candidates, was fake and basing on the verification reports from the respective issuing authorities and taking into consideration other reasons assigned in the aforementioned paragraphs, had issued another fresh Notification No.01/2022. It is pertinent to state that the NTPC filed applications in three Writ Appeals referred above for extension of time by another two months and for completing the recruitment by 30.04.2022 and this Court vide order dated 11.03.2022 dismissed those petitions observing that the subject matter of recruitment relates to Land Oustees and the land was acquired in the year 1996 and still the NTPC is praying for extension of time. The Hon'ble Division Bench of this Court did not find any reason to grant any further extension in the matter. The reason assigned by the respondents is that to ensure that the eligible candidates do not lose out an employment opportunity and to keep the recruitment process within eligible candidates only and for it to be

in tune with the changed policy of reservation for economically weaker section and the physically challenged (including of disability types), a decision was taken to issue a fresh Notification and cancel the earlier Notification No.01/2017 and no resources were spared to meet the time limit imposed by this Court. It is also submitted on behalf of the respondents that all the petitioners herein have received the admit cards for the written test and all the petitioners, except Sri E.Vaikuntam, S/o. Sambaiah, participated in the written test conducted on 22.04.2022 and therefore, it is incorrect to contend that they were excluded from the purview of Notification No.01/2022. The dicta of this Court was genuinely and earnestly understood to mean that the recruitment of 25 candidates to the post of Junior Mazdoor in WO category was to be completed within two months and all efforts were made to meet the time limit imposed. There is no wilful and deliberate non-compliance of the order this Court.

8. Here, it is relevant to state that the whole dispute is in relation to issuance of employment notification Nos.2/2015 dated 15.05.2015 and 01/2017 dated 09.03.2017 and recruitment of 25 candidates to the post of Junior Mazdoor in NTPC Ramagundam. Vide common judgment dated 17.12.2021 passed in W.A.No.277 of 202 and batch, a Division Bench of this Court upheld the

cancellation of recruitment notification No.02/2015 dated 15.05.2015 holding that the reasons for cancelling the earlier advertisement dated 15.05.2015 are cogent and valid and as NTPC is adopting a transparent process, so the order dated 17.07.2020 passed by the learned Single Judge was set aside. The NTPC was directed to conclude the entire process of subject recruitment No.01/2017 within two months from the date of judgment dated 17.12.2021. As per the said judgment, the respondents ought to have completed the process of recruitment following the Notification No.01/2017 dated 09.03.2017 within a period of two months from the date of judgment and issued consequential appointment orders. When the whole judgment dated 17.12.2021 passed in W.A.No.277 of 2020 and Batch is read, it can be safely concluded that the Notification No.01/2017 was issued adopting a transparent process, so the Hon'ble Division Bench of this Court allowed the NTPC to complete the process of recruitment within two(2) months from the date of the judgment dated 17.12.2021 by following the Notification No.01/2017. Neither the respondents therein sought permission of this Court to issue another notification afresh nor sought any clarification before issuing fresh Notification No.01/2022. They sought only extension of time and those applications were dismissed by this Court vide order dated

11.03.2022. So the contentions raised by the respondents that the judgment dated 17.12.2021 passed in W.A.No.277 of 2020 and batch refers to completion of recruitment process within two months from the date of judgment is unsustainable. The respondent No.1 being Chairman and Managing Director of NTPC and respondent No.2 being General Manager (HR), NTPC, are the key persons in issuing the Notification No.01/2022 and saying goodbye to the judgment dated 17.12.2021 passed by a Division Bench of this Court in W.A.No.277 of 2020 and Batch. So the contentions raised on behalf of the respondents that respondent No.1 is not tasked with monitoring the day-to-day administration activities of NTPC like recruitment, administrative activities etc, is unsustainable. Both the respondents cannot be absolved from carrying on the recruitment process as ordered by this Court vide judgment dated 17.12.2021. There is deliberate and wilful laches, omissions and commissions on the part of the respondents inspite of being fully aware of the implication of the judgment dated 17.12.2021 passed in W.A.No.277 of 2020 and batch. Affording an opportunity to the petitioners to appear for the written examination pursuant to the Notification No.01/2022 would not amount to compliance of judgment dated 17.12.2021 passed by a Division Bench of this Court. The question is, whether there is any

wilful disobedience of the order in question or not. Having filed applications in three Writ Appeals seeking extension of time and having suffered an order against them on 11.03.2022, the respondents issued fresh notification No.01/2022, which clearly demonstrates and reflects that respondent No.1 being Chairman and Managing Director of NTPC and respondent No.2 being General Manager (HR), NTPC, have scant respect to the law and order of this Court. They have not made any required efforts to comply the orders of this Court passed by a Division Bench of this Court in W.A.No.277 of 2020 and Batch, on 17.12.2021. Instead of completing the recruitment process as directed by this Court, respondent Nos.1 and 2 violated the orders of this Court by issuing another Fresh Notification No.1/2022, dated 01.02.2022, and cancelled the recruitment process initiated vide Employment Notification No.01/2017, dated 09.03.2017. It is also pertinent to state that there is some dispute in relation to antecedents/ certificates etc, filed by 18 candidates out of the 25 candidates provisionally selected for the post of 25 Nos. of Junior Mazdoors. As per the list furnished by the Employment Exchange, 463 candidates were sponsored by the Employment Exchange. If ineligible candidates are deleted from the selection process, there are so many other eligible candidates to complete the process of

recruitment. So the manner in which the fresh Notification No.01/2022 is issued demonstrates a deliberate and wilful disobedience of the order of this Court dated 17.12.2021 passed in W.A.No.277 of 2020 and Batch. It clearly establishes that the respondent Nos.1 and 2 have scant respect to the judgment of this Court and they have deliberately and wilfully disobeyed the orders of this Court.

9. In view of these circumstances, it is also appropriate to state that Article 215 of the Constitution of India envisages that every High Court shall be a Court of record and shall have all the powers of such a Court including the power to punish for contempt of itself. Contempt proceedings are quasi-criminal in nature, and law of contempt has to be strictly interpreted. Where there is patent wilful and deliberate non-compliance of the order passed by the Court, the law does not require that this Court should sit back with folded hands and fail to take any action in the matter. In **Kapildeo Prasad Sah and others Vs. State of Bihar and others**¹, the Hon'ble Apex Court held as follows:

"...for holding a person to have committed contempt, it must be shown that there was wilful disobedience of the judgment or order of the Court. But it was indicated that even negligence and carelessness may amount to contempt. It was further observed that issuance of

¹ (1997) 7 SCC 569

notice for contempt of Court and power to punish are having far reaching consequences, and as such, they should be resorted to only when a clear case of wilful disobedience of the court's order is made out. A petitioner who complains breach of Court's order must allege deliberate or contumacious disobedience of the Court's order and if such allegation is proved, contempt can be said to have been made out, not otherwise. Power to punish for contempt is intended to maintain effective legal system. It is exercised to prevent perversion of the course of justice."

In the instant case, as indicated above, the respondent Nos.1 and 2 have deliberately and wilfully disobeyed the orders of this Court and not completed the process of recruitment within the time stipulated. There is substance in the submissions made on behalf of the petitioners.

10. In view of the circumstances of the case, though an unconditional apology is tendered by the respondent Nos.1 and 2, the manner in which they deliberately and wilfully disobeyed the orders of this Court, they deserve no leniency and this Court is declined to accept such unconditional apology.

11. For the reasons mentioned above, we hold that respondent Nos.1 and 2 have deliberately and willfully disobeyed the orders of this Court passed by a Hon'ble Division Bench of this Court in W.A.No.277 of 2020 and batch, on 17.12.2021 and they are liable to be punished for the same.

12. Accordingly, the Contempt Case is allowed. The respondent Nos.1 and 2 are sentenced to suffer simple imprisonment for a period of two (02) months and to pay a fine of Rs.2,000/- (Rupees Two Thousand only) each, within four (04) weeks from today. The petitioners are directed to deposit subsistence allowance @ Rs.500/- per day within four (04) weeks. The sentence of imprisonment imposed on the respondent Nos.1 and 2 is suspended for a period of six (06) weeks from today.

As a sequel, miscellaneous petitions pending if any, in this contempt case, shall stand closed.

Sd/- M. MANJULA,
DEPUTY REGISTRAR



SECTION OFFICER

//TRUE COPY//

To,

1. Mr Gurudeep Singh, Chairman and Managing Director, NTPC Limited, (A Govt of India Enterprises). Regd Office.NTPC Bhavan, Scope Complex, 7 Institutional Area, Lodi Road, New Delhi 110003
2. Mr Manikanth, General Manager (HR), NTPC Limited, Southern Region Head Quarters, Kavadi guda. Secunderabad 500080
3. One CC to SRI. K LAKSHMI NARASIMHA Advocate [OPUC]
4. One CC to Ms. G. SUDHA , Advocate [OPUC]
5. Two CD Copies



HIGH COURT

DRSAJ & NTRJ

DATED:30/12/2022



ORDER

CC.No.776 of 2022

ALLOWING THE CONTEMPT CASE

[Handwritten signature]
20/12/2022