IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE TWENTY SECOND DAY OF NOVEMBER TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

CONTEMPT CASE NOS: 323, 429, 434, 442 AND 450 OF 2023

CONTEMPT CASE NO: 323 OF 2023

Contempt Case filed under Sections 10 to 12 of Contempt of Courts Act, 1971 to punish the respondents herein for their willful violation and deliberate disobedience of the Orders of the High Court dated 23-08-2022 passed in W.P. No. 9861 of 2021.

Between:

1. Lingala Lazaras, S/o. George, aged about 51 years, Occ. Coolie, R/o. Chinnagopathi Village, Konigerla Mandal, Khammam District
2. Puli Venkateswarlu, S/o. Suryanarayana, aged about 51 years, Occ. Coolie, R/o. Yennavalli Village, Kalluru Mandal, Khammam District

...Petitioners / Petitioners

AND

1. Dr. Rajat Kumar, I.A.S., Secretary to Government, Irrigation and CAD (P.W.) Department, State of Telangana, T.S. Secretariat, BRKR Bhavan, Saifabad, Hyderabad
2. Shri Shankar Naik, Chief Engineer, New R & B Guest House, Khammam-507 002
3. Shri D. Narsinga Rao, Superintending Engineer, NSLBC (O & M) Circle, Tekulapalli, Khammam Dist
4. Sri M. Lakshmi Narayana, Executive Engineer, NSLBC (O & M) Division, Kalluru, Khammam Dist

...Respondents / Respondents Nos. 1 to 4

Counsel for the Petitioners : **Sri Thota Vanalatha Reddy**

Counsel for the Respondents 1 to 3 : -

Counsel for the Respondent No. 4 : **GP for Services – II**

CONTEMPT CASE NO: 429 OF 2023

Contempt Case filed under Sections 10 to 12 of Contempt of Courts Act, 1971 to punish the respondents herein for their willful and deliberate disobedience of the Orders of the High Court dated 23-08-2021 made in W.P. No. 15829 of 2021.

Between:

1. Undeti Yesurathnam, S/o. Ramaiah, aged about 50 years, Occ. Labour, R/o. Suvarnapuram Village, Mudigonda Mandal, Khammam District
2. RayapudiBabu Rao, S/o. Kannaiah, aged about 51 years, Occ. Labour, R/o. H.No. 4-89, L.B. Nagar, Khammam, Khammam District
3. Medametla Venkateswara Rao,, S/o. Mutyala Rao, aged about 49 years,Occ. Labour, R/o. H.No. 11-5-559/A1, NSP Road, Khammam, Khammam Dist
4. Damala Chiranjeevi,, S/o. Venkataratnam, aged about 50 years, Occ. Labour, R/o. Kotha Venkatagiri Village, Billupadu Post,Thallada Mandal, Khammam District
5. Lingala Ravi Kumar, S/o. Lazar, aged about 51 years, Occ. Labour, R/o. Chinnagopathi Village, Konijerla Mandal, Khammam District
6. Valabajji Ravi Chandra, S/o. Chandraiah, aged 50 years, Occ. Labour, R/o. H. No. 11-9-210, Khammam Urban Mandal, Khammam District
7. Anthoti Raju, S/o. Venkateswarlu, aged about 52 years, Occ. Labour, R/o. Raghunadhapalem Village, Khammam District
8. Shaik Madaru, S/o. Hussainu, aged about 48 years, Occ. Labour, R/o. Kotha Venkatagiri Village, Billupadu Post, Thallada Mandal, Khammam District
9. Kalangi Kanakaraju, S/o. Jeevaiah, aged about 49 years, Occ. Labour, R/o. H. No. 5-2-34/2, Shantinagar, Khammam, Khammam District
10. Kurella Narasimha Rao, S/o. Jeevaratnam, aged about 50 years, Occ. Labour, R/o. Chinnagopathi Village, Konigerla Mandal, Khammam District

...Petitioners / Petitioners Nos. 2 to 6, 11 to 13, 15 & 16

AND

1. Dr. Rajat Kumar, I.A.S., Principal Secretary to Government, Irrigation & CAD (P.W.) Department, State of Telangana, T.S. Secretariat, BRKR Bhavan, Saifabad, Hyderabad
2. Shri Shankar Naik, Chief Engineer, New R & B Guest House, Khammam – 507002
3. Shri D. Narsinga Rao, Superintending Engineer, NSLBC (O & M) Circle, Tekulapalli, Khammam District
4. Sri M. Lakshmi Narayana, Executive Engineer, NSLBC (O & M) Division, Kalluru, Khammam District

...Respondents / Respondents Nos. 1 to 4

Counsel for the Petitioners : **Sri Thota Vanalatha Reddy**

Counsel for the Respondents Nos 1 to 3: -

Counsel for the Respondent No. 4 : **GP for Services – II**

CONTEMPT CASE NO: 434 OF 2023

Contempt Case filed under Sections 10 to 12 of Contempt of Courts Act, 1971 to punish the respondents herein for their willful and deliberate disobedience of the Orders of the High Court dated 23-08-2022 made in W.P. No. 9849 of 2021.

Between:

1. Padala Narasirnha Rao, S/o. Veeraiah, Aged 51 years, Occ. Coolie, R/o. Balapet Village, Thallada Mandal, Khammam District
2. Poluri Venkateswara Rao, S/o. Krishnaiah, Aged 50 years, Occ. Coolie, R/o. Annarugudem Village,Thallada Mandal, Khammam District
3. Pasupuleti Ravi Krishna, S/o. Babu Rao, aged 51 years, Occ. Coolie, R/o. Annarugdem Village,Thallada Mandal, Khammam Distric
4. Lingala Yadagiri, S/o. Yohanu, aged about 50 years, Occ. Coolie, R/o. Chinnagopathi Village, Konijerla Mandal, Khammam District
5. Lingala Kamalakar, S/o. Koteswara Rao, aged 49 years, Occ. Coolie, R/o. Chinnagopathi Village, Konijerla Mandal, Khammam District
6. Kannapogu Prasad, S/o. Muthaiah, aged about 50 years, Occ. Coolie, R/o. Kothavenkatagiri Village, Thallada Mandal, Khammam District

...Petitioners / Petitioners No. 1, 2 4 to 7

AND

1. Dr. Rajat Kumar, I.A.S., Prl. Secretary to Government, Irrigation & CAD (P.W.) Department, State of Telangana, T.S. Secretariat, BRKR Bhavan, Saifabad, Hyderabad
2. Shri Shankar Naik, Chief Engineer, New R & B Guest House, Khammam - 507002
3. Shri D. Narsinga Rao, Superintending Engineer, NSLBC (O & M) Circle, Tekulapalli, Khammam District
4. Sri M. Lakshmi Narayana, Executive Engineer, NSLBC (O & M) Division, Kalluru, Khammam District

...Respondents / Respondents

Counsel for the Petitioners : **Sri Thota Vanalatha Reddy**

Counsel for the Respondents Nos 1&2 : -

Counsel for the Respondent No. 3 & 4: **GP for Services – II**

CONTEMPT CASE NO: 442 OF 2023

Contempt Case filed under Sections 10 to 12 of Contempt of Courts Act, 1971 to punish the respondents herein for their willful and deliberate disobedience of the Orders of the High Court dated 23-08-2022 made in W.P. No. 9930 of 2021.

Between:

Dubbala Veeranarayana, S/o. Rangaiah, Aged about 51 years, Occ. Unemployee, R/o. Venkatagiri Village, Thallada Mandal, Khammam District

...Petitioner / Petitioner No. 2

AND

1. Dr. Rajat Kumar, I.A.S., Prl. Secretary to Government, Irrigation & CAD (P.W.) Department, State of Telangana, T.S. Secretariat, BRKR Bhavan, Saifabad, Hyderabad
2. Shri Shankar Naik, Chief Engineer, New R & B Guest House, Khammam - 507002
3. Shri D. Narsinga Rao, Superintending Engineer, NSLBC (O & M) Circle, Tekulapalli, Khammam District
4. Sri M. Lakshmi Narayana,, Executive Engineer, NSLBC (O & M) Division, Kalluru, Khammam District

...Respondents / Respondents

Counsel for the Petitioner : **Sri Thota Vanalatha Reddy**

Counsel for the Respondent No. 3 & 4: **GP for Services – II**

CONTEMPT CASE NO: 450 OF 2023

Contempt Case filed under Sections 10 to 12 of Contempt of Courts Act, 1971 to punish the respondents herein for their willful and deliberate disobedience of the Orders of the High Court dated 23-08-2022 made in W.P. No. 9901 of 2021.

Between:

1. Meda Sarabandi, S/o. Venkaiah, aged about 50 years, Occ- Labour, R/o. Uppalamadaka Village, Vyra Mandal, Khammam District
2. Manne Raghva Raghavaiah, S/o. Narayana, aged about 51 years, Occ- Labour, R/o. Chinakorukonda Village, Kalluru Mandal, Khammam District
3. Ravuri Appa Rao, S/o. Pitchaiah, aged about 50 years, Occ- Laboyur, R/o. Chinakorukonda Village, Kallur Mandal, Khammam District

...Petitioners / Petitioners No. 2 to 4

AND

1. Dr. Rajat Kumar, I.A.S., Prl. Secretary to Government, Irrigation & CAD (P.W.) Department, State of Telangana, T.S. Secretariat, BRKR Bhavan, Saifabad, Hyderabad
2. Shri Shankar Naik, Chief Engineer, New R & B Guest House, Khammam - 507002
3. Shri D. Narsinga Rao, Superintending Engineer, NSLBC (O & M) Circle, Tekulapalli, Khammam Dist
4. Sri M. Lakshmi Narayana, Executive Engineer, NSLBC (O & M) Division, Kalluru, Khammam District

...Respondents / Respondents

Counsel for the Petitioners : Sri Thota Vanalatha Reddy

Counsel for the Respondent Nos 1&2 : -

Counsel for the Respondent No. 3 & 4: GP for Services – II

The Court made the following Common Order :

THE HON'BLE SMT. JUSTICE T.MADHAVI DEVI

CONTEMPT CASE NOS. 323, 429, 434, 442 and 450 OF 2023

COMMON ORDER:

These Contempt Cases have been filed alleging wilful and deliberate disobedience and violation of the orders of this Court dated 23.08.2022 and to punish the contemnors under Sections 10 to 12 of the Contempt of Courts Act and to pass such other order or orders in the interest of justice.

2. This Court vide orders dated 23.08.2022 has directed as under:

"this Court deems it fit and proper to direct the respondents to verify whether the petitioners have ever worked as claimed by them in the years 1979 to 1988 and if the petitioners were found to have worked and have not been regularised, then to consider engaging the petitioners herein in any casual/regular vacancies or any other equivalent posts of Lascars in near future. If, for any reason, it is not possible to engage their services again, the respondents are directed to consider or frame a scheme for payment of some reasonable and suitable compensation to the petitioners in lieu of engagement of their services. The entire exercise shall

be completed within a period of four (4) months from the date of receipt of a copy of this order".

3. In compliance thereof, the respondents have issued speaking orders dated 24.12.2022 to each of the petitioners stating that they have verified the records of concerned office i.e., Executive Engineer Irrigation Division No-4, Kalluru and it was found that the petitioners have never worked under the control of respondent No.4 i.e., The Executive Engineer NSLBC O&M Division Kallur (now Executive Engineer, Irrigation Division No.-4, Kalluru) during the years 1979 to 1988 as claimed by the writ petitioners in their writ affidavits and therefore, they were not eligible for re-engagement in any casual/regular vacancies or for any suitable compensation as directed by the Court. Thus, alleging wilful and deliberate disobedience of directions of this Court in passing of these speaking orders, these Contempt Cases have been filed.

4. Learned counsel for the petitioners submitted that these cases have a long chequered history and that the petitioners herein have filed writ petitions on an earlier occasion as well and during the adjudication process of the said writ petitions, the respondents have never taken a

stand that the petitioners herein were never engaged by them as NMRs nor that the petitioners never worked with them. It is submitted that for the first time and that too after the lapse of long duration, such a stand was taken in this writ petition and therefore, the Court had directed the respondents to verify the records and if it was found that the petitioners have been engaged earlier, to consider their re-engagement or to consider payment of suitable compensation in lieu of re-engagement. It is submitted that when similarly placed persons required information under the RTI Act about their engagement, the respondents had replied that the concerned records were not available as they were damaged due to pests. It is submitted that the respondents, in spite of such contentions, have passed the speaking orders in the case of the petitioners herein, stating that they have verified the records and found that the petitioners have never been engaged as daily wage workers and therefore, they were not eligible for re-engagement or for any compensation as directed by this Court. It is submitted that such contentions are nothing but clear misrepresentation before this Court and hence amounts to violation of the orders of this Court.

5. Upon hearing the learned counsel for the petitioners at length, this Court had directed the respondents to file their counter affidavits. The respondent No.4 has filed a counter affidavit stating that the records available for the periods from March 1992 to 2005, 2009-2012, 2013-14, 2014-15, 2015-16, 2016-17, 2018-20, 2021-22 were verified and the particulars of the petitioners claimed in the writ petitions were never traced out and thus justified the speaking orders passing by them.

6. This Court finds the reply of the respondents to be pre-posterous. The direction of this Court was to verify if the petitioners had worked during the years 1979 to 1988, whereas the respondents claim to have verified the records from 1992 onwards. If that were the case, definitely the names of the petitioners would not find place in the records. The respondents apparently have misunderstood the directions of this Court or are trying to dodge the issue by stating that they have verified the records. As seen from the documents filed along with the Contempt Case, the respondents have clearly stated that the records pertaining to engagement of NMRs in the years 1983-88 were damaged and it was not possible even to look into the records.

Therefore, it is clear the respondents have not looked into the relevant material records at all and they have issued the speaking orders without any basis observing that the details of the petitioners were not traced out and have also filed an affidavit to this effect. This would but amount to the commission of an act of perjury before this Court. However, the writ petitioners also have not filed any documents or evidence to show that they were ever engaged as NMRs by the respondents, except for placing reliance upon the copies of the writ petitions filed them before this Court and the counter affidavits filed by the respondents. Since in the counter affidavits in the earlier writ petitions, the respondents have not taken any objection that the petitioners therein were never engaged as NMRs, the presumption to be drawn is that the petitioners have been engaged as NMRs during the relevant period.

7. In view thereof, this Court is of the opinion that the respondents cannot take a stand contrary to their contentions in the counter affidavits filed by their own department on the earlier occasions and thus in the absence of material to the contrary, they have to consider that the petitioners have worked as NMRs. The petitioners are only

22 in number and since it is contended that it is not possible to verify the records due to damages of records by pests, the respondents are required to consider the cases of the petitioners afresh for grant of relief as per the directions of this Court. Therefore, three (3) months time is granted to the respondents to comply with the directions of this Court.

8. With these directions, the Contempt Cases are closed with a warning to the respondents to be careful in making their submissions before the Court. There shall be no order as to costs.

9. Miscellaneous applications, if any pending, shall also stand closed.

Sd/- B. SATYAVATHI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. Dr. Rajat Kumar, I.A.S., Secretary to Government, Irrigation and CAD (P.W.) Department, State of Telangana, T.S. Secretariat, BRKR Bhavan, Saifabad, Hyderabad
2. Shri Shankar Naik, Chief Engineer, New R & B Guest House, Khammam-507 002
3. Shri D. Narsinga Rao, Superintending Engineer, NSLBC (O & M) Circle, Tekulapalli, Khammam Dist
4. Sri M. Lakshmi Narayana, Executive Engineer, NSLBC (O & M) Division, Kalluru, Khammam Dist
5. Two CCs to the GP for Services II, High Court for the State of Telangana, Hyderabad [OUT]
6. One CC to Sri Thota Vanalatha Reddy, Advocate [OPUC]
7. Two CD Copies

VA

HIGH COURT

DATED:22/11/2024

COMMON ORDER

CC.Nos.323, 429, 434, 442 and 450 of 2023

CLOSING ALL THE CCs