IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MONDAY THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

CONTEMPT CASE NO: 3124 OF 2024

Petition under Sections 10 to 12 of Contempt of Courts Act 1971 praying that in the circumstances stated in the affidavit file herein the High Court may be pleased to summon and punish the respondent herein for his willful and deliberate disobedience of the orders passed by this Honble Court in WP No. 12887/2008 dated 30.1.2024,

Between:

J J S Prasad, S/o Sriramulu, aged about 64 years, Working as Lecturer in Physics, Door No. 19-24-9/G1, Satya Residency, Bank colony, 3rd Street, Bhimavaram, W.G.District, AP.

...PETITIONER

AND

Sri V Satyanarayana, S/o Adinarayana, Secretary and Correspondent, Maddala Rama Krishnamma Polytechnic, Veeravasaram, 534 245, West Godavari District, A.P.

...CONTEMNOR

Counsel for the Petitioner : SRI N BHARAT BABU

Counsel for the Respondents : SRI P DURGA PRASAD

The Court made the following ORDER :

APHC010312762024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3457]**
(Special Original Jurisdiction)

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CONTEMPT CASE NO: 3124 OF 2024

Between:

J J S Prasad ...**PETITIONER**

AND

Sri V Satyanarayana ...**CONTEMNOR**

Counsel for the Petitioner:

1.N BHARAT BABU

Counsel for the Contemnor:

1.P DURGA PRASAD

The Court made the following :

THE HON'BLE SRI JUSTICE HARINATH. N

CONTEMPT CASE No.3124 of 2024

ORDER :

1. The present contempt is filed alleging willful disobedience of the orders passed in WP.No.12887 of 2008, dated 30.01.2024.

2. The petitioner was appointed as a Lecturer in Physics in MRK Polytechnic College, Veeravasaram, West Godavari District. The petitioner has challenged the inaction of the respondent in implementing the AICTE Pay Scales of 1996. This Court on 08.09.2008 directed the respondent in the writ petition to consider implementation of the AICTE Pay Scales if the petitioner is eligible for. It is submitted that the respondents did not consider the case of the petitioner for implementation of AICTE Pay Scales, 1996. The petitioner attained superannuation on 30.06.2018.

3. This Court directed the respondent to implement AICTE Pay Scales 1996 to the petitioner if he is eligible for as per law and further directed to compute the amounts due payable to the petitioner for the periods 1996 to 2012.

4. The learned counsel for the petitioner submits that the respondents have willfully evaded compliance of the orders passed by this Court.

5. Sri.Venugopal, learned senior counsel appearing for the respondents submits that there is absolutely no violation of the order of the Court. It is also submitted that this Court directed the respondents to extend the AICTE Pay Scales, 1996 with a rider - *if* the petitioner is *otherwise eligible for as per law.*

6. The learned senior counsel further submits that the order passed by this Court is implemented in letter in spirit. Attention of the Court is drawn to the various memos issued by the Government pertaining to pay scales prescribed by the State. It is also submitted that a Division Bench of this Court in WP.No.21114 of 1994, vide judgment dated 23.04.2001 directed implementation of state pay scales. The one of the respondent therein filed a Civil Appeal before the Hon'ble Supreme Court which was dismissed on 13.01.2010.

7. The learned senior counsel also submits that vide proceedings dated 18.10.2008, the petitioner was informed that the AICTE Pay Scales, 1996 would be extended when polytechnics in the state are ready to implement the same. In the said correspondence the petitioner was also informed that revised

pay scales of 2005 have been implement from February, 2008. It is submitted by the learned senior counsel that state pay scales were implemented till the year 2012 and thereafter the AICTE Pay scales were implemented.

8. It is submitted that the directions of the state were followed to comply with the orders passed by this Court in WP.No.21114 of 1994. The respondent extended the pay scales as directed by this Court in WP.No.21114 of 1994 to all the employees including the petitioner. It is also submitted that the petitioner himself opted for State Pay Scales when there was difference in the quantum of amount as compared to the AICTE Pay Scales.

9. It is submitted that the petitioner has suppressed the said option and has filed the present contempt petition alleging willful disobedience order of this Court. It is also submitted that the respondent is no longer a functional college and that there is no intake of students nor there are any teaching/non-teaching staff working in the respondent/college.

10. **DISCUSSION AND REASONING**:

Heard the arguments of the learned counsel for the petitioner and the Learned Senior counsel appearing for the respondents, perused the pleadings. The point for consideration is whether the

respondent has willfully disobeyed the order dated 30.01.2024 passed by this Court in WP.No.12887 of 2008 ?"

11. In order to punish a contemnor, it has to be established that disobedience of the order is 'wilful'. It means knowingly-intentional, conscious, calculated and deliberate with full knowledge of consequences flowing therefrom. It would exclude casual, accidental, bonafide or unintentional acts or genuine inability and would also not include involuntary or negligent actions. The deliberate conduct of a person means that he knows what he is doing and intends to do the same. It is too well settled that if two interpretations are possible, and if the action is not contumacious, a contempt proceeding would not be maintainable.

12. The paramount consideration is given to maintain Court's dignity and majesty of law. In **Sudhir Vasudeva Vs. George Ravishekeran**[1], the Hon'ble Supreme Court has observed that a Court exercising jurisdiction under the Contempt of Courts Act, 1971 must not travel beyond the four corners of the orders in relation to which contempt has been alleged. That the Court hearing a contempt petition ought to restrict the scope of its

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[1] (2014) 3 SCC 373

enquiry to such directions which are explicit in the judgment or orders of which contempt has been alleged.

13. The direction passed by this Court is clear. The petitioner was to be considered for extension of AICTE Pay Scales, 1996 if the petitioner is otherwise eligible as per law.

14. The respondent has followed the directions passed by the Division Bench of this Court in WP.No.21114 of 1994, as such the non-consideration of the case of the petitioner for payment of the AICTE pay scales, 1996 cannot be found fault with.

15. The submission of the learned senior counsel that the petitioner had opted for state pay scale is significant. As on the date of submission of the option form by the petitioner, the state pay scales were more lucrative than the AICTE Pay scales.

16. The petitioner was extended the pay scales on par with the other employees. As such, it cannot be construed that the petitioner was denied AICTE Pay Scale while the other employees were extended AICTE Pay Scales instead of state pay scales.

17. The proceedings dated 18.10.2008 passed by the respondent remain unchallenged till date. In the present set of facts and circumstances, the steps taken by the respondent for implementing the order passed by this Court in WP.No.21114 of

1994 would imply that the orders of this Court are adequately complied with. The action taken by the respondents after passing of the order by this Court cannot be considered as acts of willful contempt.

18. As the petitioner failed to establish deliberate and willful disobedience of the order passed by this Court, the contempt case fails and accordingly dismissed without costs.

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

SD/- V.DIWAKAR
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. Sri V Satyanarayana, S/o Adinarayana, Secretary and Correspondent, Maddala Rama Krishnamma Polytechnic, Veeravasaram, 534 245, West Godavari District, A.P.
2. One CC to Sri. N Bharat Babu Advocate [OPUC]
3. One CC to Sri. P Durga Prasad Advocate [OPUC]
4. THREE CD COPIES

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HIGH COURT

DATED :03/02/2025

ORDER

CC.No.3124 of 2024



DISMISSING THE CONTEMPT CASE