

THE HON'BLE SRI JUSTICE BATTU DEVANAND**CONTEMPT CASE No.514 OF 2018****O R D E R:**

This Contempt Case has been filed seeking to take cognizance of the contempt committed by the Respondents for willful and deliberate disobedience in implementing the order, dated 24.03.2017 in C.C.No.586 of 2014 under Section 10 and 12 of the Contempt of Court Act, 1971 r/w Article 215 of the Constitution of India.

2) Heard Sri J. Sudheer, learned counsel for the petitioner, Sri K.V. Raghuveer, learned counsel for the 1st Respondent and Sri C. Srinivasa Baba, learned counsel for the 2nd Respondent.

3) The facts of the case are that in the pending writ petition, the petitioner filed a miscellaneous petition seeking to direct the respondents to admit the petitioner into grant-in-aid post and pay salary on par with Sri P. Venugopal Reddy, who is similarly placed as the petitioner herein, pending disposal of the writ petition. This Court, by common order, dated 17.09.2012, allowed the said petition and two other connected miscellaneous petitions in two other writ petitions (WPMP.No.9353 of 2008), and granted to all the

said petitioners the same relief which was granted to the petitioner in WPMP.No.13229 of 2012 in W.P.No.3847 of 2008.

4) For non-compliance of the said interim orders of this Court, the contempt case No.586 of 2014 is filed to take cognizance of the contempt and direct the respondents to implement the said orders. Subsequent to the filing of the said contempt case and pursuant to the afore-stated interim orders of this Court, G.O.Ms.No.7, School Education (I.E) Department, dated 29.04.2015, was issued whereby the petitioner is granted minimum time scale along with three other persons similarly placed, with effect from 01.10.2012. The petitioner is drawing salary of Rs.18,030/- per month as per PRC, 2010 but the PRC, 2015 has not been extended to the petitioner and said three others by the 1st Respondent.

5) After hearing the said contempt case in detail and on careful consideration of the material available on record, the said contempt case was disposed of with the following direction:

"The Respondents 1 and 2 to implement the interim order of this Court in its letter and true spirit by not only regularizing the services of the petitioner and duly admitting into grant-in-aid but also by extending the benefits, as well, as was done in the case of Venugopal Reddy, however, with effect from 01.10.2012 as

indicated in the interim order. The respondents shall complete this exercise by following necessary procedure within two (02) months from the date of receipt of a copy of this order. Failing such compliance, the petitioner shall be at liberty to pursue the remedies, which the law permits.”

6) Complaining that the direction issued in the said contempt case is not complied with by the respondents, the present contempt case is filed.

7) The 1st respondent filed counter-affidavit.

8) It is contended by the 1st Respondent that in compliance of the order, dated 24.03.2017 in C.C.No.586 of 2014, being the 1st Respondent, Government have issued orders vide G.O.Ms.No.46, School Education (IE) Department, dated 21.08.2018, admitting the petitioner into grant-in-aid with effect from 01.12.2012 subject to the outcome of the W.P.No.8811 of 2008 and also subject to the approval of appointments by the Secretary, Board of Intermediate Education, Andhra Pradesh by extending the benefits as was done in the case of Sri P. Venugopal Reddy, Physical Director, Sri Venugopala Swamy Junior College, Nellore.

9) It is further submitted that the Commissioner of Intermediate Education, Andhra Pradesh, being the 2nd Respondent, vide proceedings, dated 22.09.2018 has

communicated the orders of the Government issued in G.O.Ms.46, School Education (IE) Department, dated 21.08.2018 to the petitioner with a direction to the Regional Joint Director of Intermediate Education concerned to submit pay fixation of the petitioner. Accordingly, R.J.D.I.E., concerned has fixed the pay of the petitioner as per the Government rules.

10) It is further submitted that the petitioner is given all the benefits that were given in the case of Sri P. Venugopal Reddy, i.e., regularization of his services and fixation of pay with effect from 01.10.2012 as directed by this Court. The 1st Respondent further submitted that only due to administrative reasons, there is some delay for complying the orders of this Court and he tendered the unconditional apology to this Court and prayed to close the contempt case.

11) Having considered the submissions of the respective counsels and upon careful perusal of the entire material available on record, it appears that the respondents implemented the order, dated 24.03.2017 of this Court by issuing G.O.Ms.46, School Education (IE) Department, dated 21.08.2018 and the 2nd Respondent issued consequential proceedings on 22.09.2018. As such, it is clear that the

respondents complied the order of this Court, dated 24.03.2017 by 21.08.2018.

12) As admitted by the respondents, there is some delay in implementing the order of the Court. The contention of the Respondents is that the reason for delay is only due to administrative reasons and they tendered unconditional apology to this Court. In view of the facts and circumstances of the case, in my considered opinion, the unconditional apology tendered by the respondents is *bonafide* and to be accepted. Accordingly, the unconditional apology tendered by the respondents is accepted.

13) For the reasons stated above, this contempt case is closed.

14) There shall be no order as to costs.

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

JUSTICE BATTU DEVANAND

Dt.05.05.2022
PGR

HON'BLE SRI JUSTICE BATTU DEVANAND

C.C.No.514 OF 2018

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