

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

CONTEMPT CASE NO.864 OF 2023

ORDER

1. This contempt case is filed complaining the willful disobedience in implementing the Order dated 07.11.2022 passed by this Court in W.P.No.35940 of 2022.

2. The petitioners filed W.P.No. 35940 of 2022 to issue writ of mandamus declaring the action of respondents in not considering Regularization of the petitioners services as per the judgments of the Supreme Court in **State of Punjab and others vs. Jagjit Singh and others¹**, **Secretary, State of Karnataka and Ors. v. Uma Devi and Ors²** and consequently direct the respondents to consider the case of the petitioners for Regularization of their services from the date of their initial appointments in their respective posts.

3. On 07.11.2022, this Court passed an interim order in W.P.No.35940 of 2022, which reads as follows:

“Having regard to the principle laid down by the Supreme Court, the respondents are directed to examine whether the petitioners are discharging same duties and responsibilities attached to the post of Record Assistant, Attender and Lab Assistant respectively and qualified to hold the regular post and if these two parameters are satisfied to grant minimum

¹ (2017) 1 Supreme Court Cases 148

² (2006) 4 SCC 1

time scale of pay. This exercise shall be completed within four weeks.”

4. Originally, Respondent Nos.1 to 4 were arrayed as party respondents. Thereafter, vide orders of this Court in I.A.No.1 of 2024 dated 14.08.2024, Respondent Nos.5 & 6 were impleaded as party respondents, as they are proper and necessary parties to the lis.

5. Learned counsel for the petitioner submits that, inspite of specific directions of this Court vide order dated 07.11.2022, to examine whether the petitioners are discharging same duties and responsibilities attached to the post of Record Assistant, Attender and Lab Assistant respectively, the respondents have deliberately avoiding to implement the orders of this Court and deliberately flouted the orders of this Court. The failure on the part of the respondents in implementing the orders of this Court would amount to disobedience of the orders of this Hon'ble Court, and, therefore, they are liable for punishment under Sections 10 to 12 of the Contempt of Courts Act, 1971. Complaining the same, the petitioners filed the present Contempt Case.

6. Respondent Nos.1, 2 & 5 filed separate counter affidavits stating that, the services of the petitioners were engaged by the Principals of the respective schools or colleges to meet the work exigencies. Out of the three

petitioners in the writ petition, two petitioners stand at Sl.No.1 & 3 have been working in promotional posts of Record Assistant & Lab Assistant which is violation of Gurukulam Bye Laws, 1997 & Recruitment Rules, 1999 and they are not eligible to hold the post since these posts are to be filled by giving promotions to the feeder cadre Non-Teaching regular staff. It is submitted that the Government has directed all the outsourced employees who are already engaged shall be migrated to APCOS and no employee who is engaged in outsourcing shall be removed. At present there is no employee employer relationship between the petitioner and the respondent society, as such the services of the petitioners have also migrated to APCOS. As per the conditions stipulated in G.O.Ms.No.40 dated 18.06.2021, the petitioners were not engaged by specific Government orders issued with the concurrence of the Government in Finance Department and the petitioners are working as outsourced employees at present, therefore, the petitioners are not entitled for grant of Minimum Time Scale of Pay. As such, they did not violate the orders of this Court and tendered unconditional apology to this Hon'ble Court for any inconvenience caused by him and requested to close contempt case against him.

7. Having heard the submissions of the respective counsel and upon perusal of the material available on record.

8. Undisputedly, On 07.11.2022, this Court passed an interim order in W.P.No.35940 of 2022 directing the respondents to examine whether the petitioners are discharging same duties and responsibilities attached to the post of Record Assistant, Attender and Lab Assistant respectively and qualified to hold the regular post and if these two parameters are satisfied, then to grant minimum time scale of pay.

9. The contempt case was filed on 08.02.2022 and counter affidavits were filed on 16.06.2023 & 14.06.2023. Even before filing the contempt case, I.A.No.1 of 2023 in W.P.No.35940 of 2023 was filed by the Joint Secretary, Andhra Pradesh Tribal Welfare Residential Educational Institutions Society (Gurukulam), to vacate the interim order date 07.11.2022, wherein at Page No.20 of the counter affidavit, it is stated as follows:

“It is submitted that, the 2nd respondent has submitted a note to the Government vide Computer No.1476979 to accord permission to bring those 82 Nos., back to contractual services, as their services were engaged initially on contract basis and later migrated to outsourced services, assuming the cut of date as 30.09.2008 and accord permission to extend Minimum Time Scale of pay duly giving relaxation to 20 identified non-teaching (class-iv) employees, those who did not possess minimum prescribed qualifications to the posts they are holding, as per Gurukulam Bye-Laws, 1997 & Recruitment Rules, 1999, as one time settlement of the issue. The petitioners in the present W.P.No.35940 of 2022 have also included

in the note submitted to the Government, Minimum of Time Scale shall be extended to the petitioners as per the instructions received along with similarly situated persons working in the respondent society.”

10. Except the Joint Secretary, Andhra Pradesh Tribal Welfare Residential Educational Institutions Society (Gurukulam), the other respondents conveniently avoided to state anything in the counter affidavit as to whether the petitioners are discharging the same duties and responsibilities attached to the post of Record Assistant, Attender and Lab Assistant respectively or whether any action is taken pursuant to the interim direction passed by this Court. Since the names of the petitioners were included in the note submitted to the Government to accord permission to extend Minimum Time Scale of Pay, contempt case is liable to be closed

11. This Court is expressing its displeasure and anguish towards the attitude of the other respondents in implementing the orders of this Court. However, since action was taken by the Joint Secretary, Andhra Pradesh Tribal Welfare Residential Educational Institutions Society (Gurukulam) and note was forwarded to the Government, and the other respondents tendered unconditional apology, the same should be considered.

12. In view of the entire facts and circumstances of the case, this Court is accepting the unconditional apology tendered by the contemnors. Accordingly, the contempt case is closed, with a warning to the Respondents to be more careful in future in implementing the orders of the Court.

13. Consequently, miscellaneous petitions pending, if any, in this contempt case shall stand closed.

JUSTICE VENKATESWARLU NIMMAGADDA

Date: 24.10.2025

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