



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

[3331]

**TUESDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

CONTEMPT CASE NO: 673/2025

Between:

1.JAYAVARAPU NAGA VENKATA RAO, S/O.KATAMASWAMY,
D.NO. 1-58/11, RAMALAYAM ST., NARENDRAPATNAM
VILLAGE, JAGGAMPETA 533435.

...PETITIONER

AND

1.BALABHADRAPU VEERABHADRA RAO, S/O NOT KNOWN TO
PETITIONER WORKING AS THE EXECUTIVE ENGINEER,
OPERATION, APEPDCL, JAGGAMPETA DIVISION.

2.KOLLI RATNALA RAO, S/O NOT KNOWN TO PETITIONER
PRESENT WORKING AS THE EXECUTIVE ENGINEER,
OPERATION,APEPDCL, RAMACHANDRAPURAM DIVISION
THEN WORKED AS EXECUTIVE ENGINEER OPERATION,
JAGGAMPETA DIVISION

3.KRANTHI CONSTRUCTIONS CIVIL, ELECTRICAL AND
TRANSPORT CONTRACTOR, REP BY ITS MANAGING
PARTNER TODETI DEVADANAM, R/O. D.NO.2-169, KOTHA
PETA, BOMMURU, RAJAHMUNDY RURAL, E.G.DIST., -
533124.

...CONTEMNOR(S):

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 punish the respondents under section 10 to 12 of the Contempt of Courts Act for willfully and deliberately disobeying the order of this Honble Court passed in WP.No.17656 of 2024 dated dt.12-08- 2024 and to pass

Counsel for the Petitioner:

1.VIJAYA KUMAR SATA

Counsel for the Contemnor(S):

1.V V SATISH (SC for APEPDCL)

The Court made the following:

ORDER

The above contempt case is filed complaining about violation of interim order dated 12.08.2024 in W.P.No.17656 of 2024.

2. The petitioner filed the aforementioned writ petition impugning the proceedings *vide* Lr.No.EE/O/JPT/CASH/JAO/JA1/ D.No.154/2024 dated 25.07.2024, issued by the Executive Engineer, Operation, APEPDCL, Jaggampeta Division and consequential proceedings dated 30.07.2024 issued by the 6th respondent removing the petitioner from the services as Shift Operator, as illegal and arbitrary.

3. An *ad interim* order was granted on 12.08.2024, suspending the proceedings dated 25.07.2024 issued by the 3rd respondent alone.

4. The petitioner was engaged as a shift operator in Irripaka Sub-station, Jaggampeta Section of APEPDCL on 10.01.2021 through Abhinaya Enterprises on a contract basis initially. Though the petitioner was engaged through Abhinaya Enterprises, an outsourcing agency,

after the expiry of the contract period, another agency, Kranthi Constructions, the 6th respondent in the writ petition and the 3rd respondent in the contempt case, continued the petitioner as a Shift Operator. There is no employer and employee relationship between the petitioner and APEPDCL.

5. Be that as it may, the Executive Engineer, Operation, APEPDCL, Jaggampeta Division, addressed a letter to the Contractor pointing out the negligent attitude of the petitioner in discharging duties, resulting in the removal of the petitioner by a separate proceeding. By interim order, this Court suspended the Executive Engineer's communication with the outsourcing agency. No specific direction was given by this Court directing the outsourcing agency to re-engage the petitioner.

6. The contempt case was filed in February, 2025. Notice to the respondents was ordered on 21.03.2025.

7. A counter affidavit was filed on behalf of the respondents 1 and 2. It was contended, *inter alia*, that the contract period of the 3rd respondent-outsourcing agency had ended on 31.12.2024, and the contract was issued to M/S Power Solutions on 01.01.2025. The appointment of the petitioner is not in the hands of respondents 1 and 2. The contractor is the final authority either for the appointment or removal of the Shift Operator.

8. Heard Sri Vijaya Kumar Sata, learned counsel for the petitioner and Sri V.V.Satish, learned counsel for the respondents 1 and 2.

9. Learned counsel for the petitioner would submit that, despite the interim order, the respondents 1 and 2 failed to engage the petitioner as a shift operator. He would further submit that, though the writ petition

was dismissed on 02.03.2026, the respondents are liable for punishment for non-compliance with the interim order.

10. Sri V.V.Satish, learned counsel for the respondents 1 and 2 would submit that there is no deliberate or willful violation of the order by the respondents 1 and 2. The petitioner is not the employee of the respondents 1 and 2, and he was engaged by the outsourcing agency, which is responsible for engaging or disengaging the petitioner from the service.

11. Now, the points for consideration are:

1) Whether the act of respondents 1 and 2 in not adhering to the interim order dated 12.08.2024, would amount to a contemptuous act?

2) Whether the respondents 1 and 2 acted willfully and deliberately and flouted the interim order dated 12.08.2024?

12. The Hon'ble Apex Court in **Ram Kishan Vs. Tarun Bajaj**¹, considered the aspect of willful disobedience/contumacious conduct and observed thus:

“11. The contempt jurisdiction conferred on to the law courts power to punish an offender for his wilful disobedience/contumacious conduct or obstruction to the majesty of law, for the reason that respect and authority commanded by the courts of law are the greatest guarantee to an ordinary citizen that his rights shall be protected and the entire democratic fabric of the society will crumble down if the respect of the judiciary is undermined. Undoubtedly, the

¹ (2014) 16 SCC 204 : (2015) 3 SCC (L&S) 311 : 2014 SCC OnLine SC 42

contempt jurisdiction is a powerful weapon in the hands of the courts of law but that by itself operates as a string of caution and unless, thus, otherwise satisfied beyond reasonable doubt, it would neither be fair nor reasonable for the law courts to exercise jurisdiction under the Act. The proceedings are quasi-criminal in nature, and therefore, standard of proof required in these proceedings is beyond all reasonable doubt. It would rather be hazardous to impose sentence for contempt on the authorities in exercise of the contempt jurisdiction on mere probabilities. (Vide *V.G. Nigam v. Kedar Nath Gupta* [*V.G. Nigam v. Kedar Nath Gupta*, (1992) 4 SCC 697 : 1993 SCC (L&S) 202 : (1993) 23 ATC 400] , *Chhotu Ram v. Urvashi Gulati* [*Chhotu Ram v. Urvashi Gulati*, (2001) 7 SCC 530 : 2001 SCC (L&S) 1196] , *Anil Ratan Sarkar v. Hiral Ghosh* [*Anil Ratan Sarkar v. Hiral Ghosh*, (2002) 4 SCC 21] , *Bank of Baroda v. Sadruddin Hasan Daya* [*Bank of Baroda v. Sadruddin Hasan Daya*, (2004) 1 SCC 360] , *Sahdeo v. State of U.P.* [*Sahdeo v. State of U.P.*, (2010) 3 SCC 705 : (2010) 2 SCC (Cri) 451] and *National Fertilizers Ltd. v. Tuncay Alankus* [*National Fertilizers Ltd. v. Tuncay Alankus*, (2013) 9 SCC 600 : (2013) 4 SCC (Civ) 481 : (2014) 1 SCC (Cri) 172] .)

12. Thus, in order to punish a contemnor, it has to be established that disobedience of the order is “wilful”. The word “wilful” introduces a mental element and hence, requires looking into the mind of a person/contemnor by gauging his actions, which is an indication of one's state of mind. “Wilful” means knowingly intentional, conscious, calculated and deliberate with full knowledge of consequences flowing therefrom. It excludes casual, accidental, bona fide or unintentional acts or genuine inability. Wilful acts does not encompass involuntarily or negligent actions. The act has to be done with a “bad purpose or without justifiable excuse or stubbornly, obstinately or perversely”. Wilful act is to be distinguished from an act done carelessly, thoughtlessly, heedlessly or inadvertently. It does not include any act done negligently or involuntarily. The deliberate conduct of a person means that he knows what he is doing and intends to do the same. Therefore, there has to be a

calculated action with evil motive on his part. Even if there is a disobedience of an order, but such disobedience is the result of some compelling circumstances under which it was not possible for the contemnor to comply with the order, the contemnor cannot be punished. “Committal or sequestration will not be ordered unless contempt involves a degree of default or misconduct.” (Vide *S. Sundaram Pillai v. V.R. Pattabiraman* [*S. Sundaram Pillai v. V.R. Pattabiraman*, (1985) 1 SCC 591] , *Rakapalli Raja Ram Gopala Rao v. Naragani Govinda Sehararao* [*Rakapalli Raja Ram Gopala Rao v. Naragani Govinda Sehararao*, (1989) 4 SCC 255 : AIR 1989 SC 2185] , *Niaz Mohammad v. State of Haryana* [*Niaz Mohammad v. State of Haryana*, (1994) 6 SCC 332 : AIR 1995 SC 308] , *Chordia Automobiles v. S. Moosa* [*Chordia Automobiles v. S. Moosa*, (2000) 3 SCC 282] , *Ashok Paper Kamgar Union v. Dharam Godha* [*Ashok Paper Kamgar Union v. Dharam Godha*, (2003) 11 SCC 1] , *State of Orissa v. Mohd. Illiyas* [*State of Orissa v. Mohd. Illiyas*, (2006) 1 SCC 275 : 2006 SCC (L&S) 122 : AIR 2006 SC 258] and *Uniworth Textiles Ltd. v. CCE* [*Uniworth Textiles Ltd. v. CCE*, (2013) 9 SCC 753] .)”

13. In the case at hand, the proceedings of the Executive Engineer communicated to the outsourcing agency M/s Kranthi Contructions are like intimation. The outsourcing agency engaged the petitioner, and the agency alone is responsible for either engaging or disengaging the petitioner. No interim order was passed by this Court suspending the proceedings of the outsourcing agency that was terminating the petitioner's services. No direction was given by this Court to the outsourcing agency to engage the petitioner. In the absence of any such direction, the contention of learned counsel for the petitioner that respondents 1 and 2 failed to implement the interim order, in the considered opinion of this Court, cannot be termed as willful disobedience.

14. Apart from the same, the writ petition itself was dismissed on 02.03.2026. When the writ petition itself is dismissed, and a final order is passed, all the earlier interim orders will merge with the final order, and the interim order will cease to exist.

15. The Hon'ble Apex Court in **Prem Chandra Agarwal Vs. U.P. Financial Corporation**², held thus:

“3. It is a well-settled principle that once a final order is passed, all the earlier interim orders merge into the final order, and the interim orders cease to exist. In this appeal, since the final order has been passed by the High Court, obviously all the interim orders passed by the High Court in the same writ petition cease to exist automatically. Consequently, any direction given in the interim order dated 24-4-2008 also ceases to exist. In view of the final order passed by the High Court, the impugned interim order and any direction therein have ceased to exist ...”

16. Given the discussion *supra*, this Court does not find any violation of interim order passed by this Court.

17. Accordingly, the Contempt Case is Dismissed. No order as to costs.

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

JUSTICE SUBBA REDDY SATTI

PVD

² (2009) 11 SCC 479 : 2009 SCC OnLine SC 881