

HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

**MAIN CASE No: C.C.Nos.925, 926, 929, 930, 931, 948, 1043, 1046
& 1048 of 2019**

PROCEEDING SHEET

<u>SL. NO.</u>	<u>DATE</u>	<u>ORDER</u>	<u>OFFICE NOTE</u>
	14.08.2026	<u>RNT,J & PKC,J</u> Heard Sri C H.Satish Kumar, learned counsel for the petitioner and Sri G.Raju, learned Government Pleader for Services-I. 2. Sri Kantilal Dande, IAS, Special Chief Secretary – FAC – Principal Secretary to Panchayat Raj and Rural Development Department is present personally. 3. On 18.06.2026 a Co-ordiante Bench passed the following order: “Heard Sri C.H.Satish Kumar, learned counsel for the petitioners in all the cases and Sri G.Raju, learned counsel for Principal Secretary, Panchayat Raj and Rural Development Department. 2. On 06.05.2026, the following order was passed: “Learned counsel for respondent No.8/Principal Secretary, Finance Department, in C.C. No.948 of 2009, has placed on record the proceedings issued by the Finance Department, complying with the order of the Court dated 28.04.2026, according financial concurrence to the proposals of the PR and RD Department for implementation of the order of the Court for grant of increments to the petitioners retrospectively from the date of sanction of Minimum Time Scale. Learned Government Pleader for Services-I has also placed on record the proceedings issued by the Panchayat Raj and Rural Development Department, after such financial	

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		concurrence was issued by the Finance Department, according permission to the Engineer-in-Chief, RWS Department, Vijayawada, to implement the common orders of this Court in batches of writ petitions and contempt cases for providing annual grade increments to the petitioners retrospectively from the date of sanction of Minimum Time Scale. Therefore, as proceedings have been issued granting only annual grade increments with retrospective effect from the date of sanction of Minimum Time Scale, the order of the Court has been complied with; however, the lumpsum amount relating to the said increments has not yet been received by the petitioners. Learned counsel for the petitioners submits that the petitioners are also entitled to house rent allowance, whereas the learned Government Pleader for Services denies the same and contends that, as per the order of the Court, the petitioners are not entitled to the same. To hear on the said aspect and for payment of the arrears of increments, list the matter on 17.06.2026.” 3. Pursuant to the order passed in the writ petitions out of which these contempt petitions arise, the Finance Department issued proceedings dated 28.04.2026 granting financial concurrence to the proposals of the PR and RD Department for implementation of the Court's order for grant of increments to the writ petitioners retrospectively from the date of sanction of Minimum Time Scale. The Panchayat Raj and Rural Development department also issued proceedings on such concurrence. However, the lumpsum amount relating to the said increments has not been received by the writ petitioners. 4. Sri G. Raju, learned counsel for the Principal Secretary, PR & RD department and others submits that they seek three weeks time to comply the Court's order passed in the writ petition(s). He submits that the entire necessary exercise would be completed and the petitioners would receive the payments. 5. Post on 13.07.2026. 6. In view of the aforesaid, the compliance	

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		report be submitted by the next date of listing failing which the Principal Secretary, PR & RD department shall appear before this Court on the date fixed. 7. The question of the house rent allowance pursuant to the order dated 06.05.2026, is open for consideration on the next date.” 4. Thereafter on 13.07.2026, we passed the following order: “Heard Sri Mayur Mundra, learned counsel representing the learned counsel for the petitioners in all the cases, appearing through virtual mode, and Sri G. Raju, learned counsel appearing for respondent No.8 – Principal Secretary, Panchayat Raj and Rural Development Department. 2. Pursuant to the order dated 18.06.2026, Sri Kantilal Dande, Principal Secretary, Panchayat Raj and Rural Development Department, who is also holding the post of Special Chief Secretary, Panchayat Raj and Rural Development Department, is present before this Court. He has also filed an affidavit dated 10.07.2026. 3. Sri G. Raju, learned counsel submits that, as stated in the counter-affidavit, the bills of five (05) petitioners have been paid, which is reflected in the table contained in paragraph No.8 thereof. Insofar as the remaining petitioners are concerned, he submits that, for the reasons mentioned in the remarks column of the said table, the payments could not be made due to certain difficulties, therefore, seeks a further period of four (04) weeks, as a last opportunity, to comply with the order of this Court dated 18.06.2026 in respect of the payment of the bills of the remaining petitioners. 4. Learned counsel for the petitioners, however, submits that payments have been made only to four petitioners and not to five petitioners, as claimed in the counter-affidavit. 5. Let the petitioners file a response to the affidavit pointing out the aforesaid discrepancy, if any. 6. List on 13.08.2026. 7. If the order dated 18.06.2026 is not complied with by the next date of hearing, the respondent No.8- the Principal Secretary, Panchayat Raj and Rural Development Department, shall appear personally before this Court. 8. Upon full compliance with the order dated 18.06.2026, an affidavit of compliance shall also be filed by the next date of hearing, and in case of such	

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		compliance, the respondent No.8 need not to appear, unless specifically so directed.” 5. On 13.08.2026 in the morning session, after referring to the previous orders, we passed the following order as by that time neither the compliance was filed nor respondent No.8 appeared and the learned counsel for the petitioners submitted that with respect to different petitioners the order was not complied. Relevant para of the order from para Nos.3 to till end, in morning session is as under:- “ 3. As it is evident from the aforesaid orders that the contempt petition has been filed by the petitioners due to non-compliance with the Court's order passed way long back. 4. Previous order dated 13.07.2026 shows that at request of learned counsel appearing for the respondents as last opportunity four (04) weeks time was granted to ensure complete compliance and the matter was listed for today. 5. It is also evident from the last order from para-7 that in case the order was not complied by the date fixed, respondent NO.8 - the Principal Secretary, Panchayat Raj and Rural Development Department shall appear personally before this Court. 6. Sri C H.Satish Kumar, learned counsel submits that in C.C.No.925 of 2019, there is no compliance with respect to petitioner NO.2; in C.C.No.931 of 2019, there is no compliance for petitioner No.1; in C.C.No.1043 of 2019, there is no compliance for petitioner No.2; in C.C.No.929 of 2019, there is no compliance for petitioner No.2 and in C.C.No.1068 of 2019, there is no compliance for petitioner No.3. Affidavit to that effect has also been filed in each such case. 7. Sri S.Satyanarayana Rao, learned counsel	

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		appearing for the petitioner in C.C.No.948 of 2019 submits that with respect to the sole petitioner therein, the order has not been complied in full, it is only a part compliance. 8. So, as per the contentions of learned counsel for the petitioners, the order of the Court has not been complied with respect to the petitioners mentioned above. 9. The Principal Secretary, Panchayat Raj and Rural Development Department – respondent No.8 is not present pursuant to the order dated 13.07.2026 and any affidavit of the compliance has also not been filed nor for seeking exemption for personal appearance. 10. Sri G.Raju, learned counsel appearing for respondent No.8 orally submits that the order has been complied today and the order stands complied with respect to all the petitioners as on today. 11. In such a case the affidavit should have been filed and if the affidavit was not filed, respondent No.8 must have been present before this Court. 12. Let the affidavit be filed for compliance, if it has been complied. 13. Post the matter at 04.00 pm today itself. 14. If the affidavit is not filed or if from the affidavit, we find that the order has not been complied, respondent No.8 shall be directed to appear tomorrow before this Court.” 6. On 13.08.2026, at post lunch session, when the matter was taken up again, we passed the following order: “The matter has been taken up again pursuant to the order passed in the morning session. 2. None appears for the respondents. 3. Learned Government Pleader for Services is not present. On his behalf, Sri D.Omkar, learned counsel appeared and submits that learned Government Pleader is engaged in some other Court. 4. The affidavit is not on record. 5. Post the matter on 14.08.2026.	

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		6. In view of the order passed in the morning session, respondent No.8 i.e. Principal Secretary to Panchayat Raj and Rural Development Department, Government of Andhra Pradesh, shall appear personally before this Court." 7. Today, Sri G.Raju, learned Government Pleader submits that the counter could not be filed yesterday i.e., on 13.08.2026. 8. He submits that it has been filed today in the Registry. The order has been complied with, with respect to the annual grade increments and the amount has also been transferred in respective accounts of the petitioners yesterday i.e., on 13.08.2026. 9. The order dated 19.07.2019 of the writ Court in W.P.Nos.9309 of 2019 and batch, out of which the present contempt cases arise in para-7 contained the following direction: "7. In these circumstances, this Court deems it appropriate to dispose of these writ petitions, leaving it open for the petitioners herein to file appropriate representations before the respondents herein enclosing copies of relevant papers, including copies of the above referred orders of this Court and the orders of the State Government, within a period of two weeks from the date of receipt of a copy of this order. If any representation is filed within the time stipulated supra, the same be considered and appropriate final orders be passed/action be taken, strictly in accordance with law, taking into consideration the judgments to be enclosed by the petitioners herein to the said representation(s) and also in accordance with the law governing the situation as on today. This exercise shall be completed within a period of 10 weeks from the date of receipt of the representation(s). There shall	

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		be no order as to costs of the Writ Petitions.” 10. When the order was not complied, the listed contempt cases, by different petitioners, were filed. 11. Then, on 12.02.2020, the representation was rejected that the petitioners were not eligible for sanction of annual periodical increments and HRA etc. 12. In the contempt cases on 27.08.2021, a Co-ordinate Bench passed the following order: “Alleging wilful disobedience of the common order passed by this Court on 19.07.2019 in Writ Petition Nos.9309 of 2019 and batch, directing the petitioners to file appropriate representation before the respondents for consideration of the same for extending the benefit of Annual Grade Increments, the present Contempt Cases are filed. It is brought to the notice of this Court that after filing the Contempt Cases, the respondent-authorities have issued orders, turning down the request of the petitioners while referring to the judgment of the Hon’ble Supreme Court in <i>State of Punjab & others v. Jagjit Singh & others</i> {(2017) 1 SCC 148}. According to the learned Advocates for the petitioners, in the said judgment, the Hon’ble Supreme Court never ruled that employees would not be entitled for the incidental Annual Grade Increments as per FR 9 (31) (a), which reads as under: <i>“ Time scale of pay’ means pay which subject to any condition prescribed in these rules, rises by periodical increments from a minimum to maximum. It includes the class of pay hitherto known as progressive”.</i> It is further submitted by the learned	

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		Advocates for the petitioners that the word used in the judgment of the Hon'ble Supreme Court in the abovereferred judgment i.e. 'allowance', cannot be construed as Annual Grade Increment attached to the minimum time scale. It is also brought to the notice of this Court that when a similar issue came up before this Court in Writ Petition No.7880 of 2015, a Division Bench of this Court, vide order dated 11.10.2018, dismissed the Writ Petitions filed by the State, confirming the order passed by the A.P. Administrative Tribunal, wherein the Tribunal directed extension of benefit of payment of Annual Grade Increments to some of the similarly situated employees, and the order passed by the Division Bench of this Court was confirmed by the Hon'ble Supreme Court vide order dated 29.10.2020 in SLP (Civil) Diary No.44089 of 2019. It is also brought to the notice of this Court that thereafter, the Government issued a Memo dated 11.11.2020 implementing the order of the Tribunal and extended the benefit of Annual Grade Increments in favour of the applicants in the said Original Application. The learned Government Pleader Sri C.Suman seeks a short accommodation to have deliberations with the respondents to come back with necessary instructions. Post after three weeks, at request." 13. It is prima-facie evident from the order dated 27.08.2021 that in the case of similarly situated persons, the SLP(s) have been dismissed by the Hon'ble Apex Court and the Government issued implementation memo extending the benefit. 14. The order dated 09.04.2021 shows that the learned Government Pleader on instructions submitted that "the respondents	

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		are going to implement the order and sought a short accommodation". Referring to this order, a co-ordinate bench, passed an order dated 27.02.2026, to place the compliance report. Since then, on 06.03.2026, 13.03.2026, 06.04.2026, 28.04.2026, 06.05.2026, 18.06.2026 and 13.07.2026, each of those dates on one or the other ground, time was taken to comply the order. 15. In the present case, after about 4 ½ years of the order dated 27.08.2021, a memo dated 12.03.2026 was filed granting the benefit of annual grade increment but from the date of issuance of the memo i.e., 12.03.2026; and thereafter issued another memo dated 05.05.2026, granting the benefit of annual grade increments from the date of the entitlement of the petitioners as submitted by the learned Government Pleader. 16. From the aforesaid, <i>prima facie</i>, it is evident that there is delay of about seven years and even from the order dated 27.08.2021, delay is of almost 5 years. 17. In the order dated 18.06.2026, the question of House Rent Allowance pursuant to the order dated 06.05.2026 was kept open	

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		for consideration on the next date. 18. We proceed to frame the charge as under: “Respondent Nos.3 to 8 wilfully and deliberately disobeyed the order dated 19.07.2019 in W.P.Nos.9309 of 2019 and batch; There is long delay of almost 6 years, in compliance. As to why, on proof of charge, the respondent Nos.3 to 8 be not imposed the punishment for contempt of the Court under the Contempt of Courts Act, 1971.” 19. Sri Kantilal Dande, IAS, Special Chief Secretary – FAC – Principal Secretary to Panchayat Raj and Rural Development Department is present. The aforesaid charge is also with respect to him. He submits that he has taken Full Additional Charge (FAC) of Principal Secretary of Panchayat Raj and Rural Development Department on 11.05.2026. He may file his response/evidence in defence, confining the period from 11.05.2026 till compliance, giving explanation of the action taken by him towards compliance. 20. Notice be issued to respondent Nos.3 to	

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		8 for appearance on the date fixed. They are also granted time for defence. 21. Post on 7.09.2026. 22. A copy of this order be served on the incumbent present, through learned Government Pleader appearing on his behalf. RNT,J PKC,J AG	