

(2026) 01 AP CK 1348

In the Andhra Pradesh High Court

Case No : Contempt Case No: 2039 Of 2025

M. Sree Ramulu

APPELLANT

Vs

N.V.S.N. Murthy, Executive Officer, Venkateswara Swamy Vari
Devasthanam Dwaraka Tirumala

RESPONDENT

Date of Decision : 23-01-2026

Acts Referred:

Contempt Of Courts Act, 1971 — Section 12
Andhra Pradesh Charitable And Hindu Religious Institutions And Endowments Act,
1987 — Section 35
Constitution Of India, 1950 — Article 14

Citation : (2026) 01 AP CK 1348

Hon'ble Judges : Challa Gunaranjan, J

Bench : Single Bench

Advocate : P. Gangaiah Naidu, Pulipati Radhika

Final Decision : Dismissed

Judgement

Challa Gunaranjan, J

1. Present Contempt Case is instituted alleging wilful disobedience of the order, dated 01.07.2025, passed in W.P. No.15981 of 2025, and accordingly, to punish the respondent/ contemnor in terms of Section 12 of the Contempt of Courts Act.

2. Petitioner was engaged as Computer Operator on outsourcing basis in the year 2006. As he was not paid minimum time scale and regularized, he preferred W.P.No.21894 of 2018. In pursuance to the interim orders, petitioner was extended minimum time scale. Later, writ petition came to be disposed of with a direction to consider his request for regularisation and pass appropriate orders. By order, dated 06.06.2025, his request came to be rejected. Assailing the same, he preferred W.P.No.15981 of 2025. The writ Court, by setting aside the aforesaid order, remanded the matter back to the 3rd respondent therein, to consider his request in view of various proceedings, by which certain others were regularized, and pass appropriate speaking orders within a period of six weeks.

In sum and substance, the directions issued read as follows:

"In view of the same, the impugned proceedings vide Rc.No.C3/1364/2018 dated 06.06.2025 is hereby set aside and the matter is remanded back to the 3rd respondent for reconsideration of the request of the petitioner keeping in view of various proceedings under Exhibits P13, P15 and P17 passed by respondents wherein in similar circumstances regularizations were affected and pass appropriate speaking orders within a period of six (06) weeks from the date of receipt of a copy of this order."

By proceedings, dated 25.07.2025, the 3rd respondent passed speaking orders rejecting the request of the petitioner for regularisation. In this background, the present Contempt Case is preferred alleging wilful disobedience of the order passed in writ petition.

3. Heard Sri P.Gangaiah Naidu, learned Senior Counsel, appearing on behalf of the petitioner and Smt.Pulipati Radhika, learned counsel appearing for the respondent.

4. Learned Senior Counsel appearing for the petitioner, while drawing attention of this Court to the operative portion of the order passed in the writ petition, contends that when there is specific direction to the 3rd respondent for consideration of request of petitioner for regularisation keeping in view the proceedings under Exs.P13, P15 and P17, the contemnor in deliberate disobedience to the same, has rejected the case of petitioner for regularisation, and more particularly, he rejected to consider Exs.P13, P15 and P17 by opining that the same to be irrelevant for the purpose of considering petitioner's case for regularisation, which is clearly contumacious. He further contended that Exs.P13, P15 and P17 being various orders of regularisation issued with respect to the institutions at Dwaraka Tirumala and Srisailam, in similar circumstances, the respondent could not have rejected the case of the petitioner by adopting pick and choose method, which clearly amounted to an arbitrary act offending Article 14 of the Constitution of India and the said action would be nothing short of deliberate act of violating orders passed in writ petition. He further contended that the reasons recorded in the speaking order are clearly unfounded and misleading, inasmuch as, reference is made only to the judgment of the Hon'ble Apex Court in the case of Secretary, State of Karnataka v. Umadevi (2006) 4 SCC 1, conveniently omitting the later judgments of the Hon'ble Apex Court in Dharam Singh v. State of U.P. 2025 SCC OnLine SC 1735; Jaggo v. Union of India 2024 SCC OnLine SC 3826; Shripal v. Nagar Nigam 2025 SCC OnLine 221 and Union of India v. K. Velajagan 2025 SCC OnLine SC 837. In all these later judgments, only illegal appointments were deprecated, but not irregular ones, rather the claim of the petitioners therein for regularisation has been considered positively. It is further contended that, as recently as by proceedings, dated 30.07.2025, one of the employees, namely S.V. Mohan Murali Krishna, has been regularized in service, therefore, the reasons assigned in the impugned order are completely untenable.

5. Per contra, learned counsel appearing for the respondent contends that the direction issued in the writ petition was specifically to consider the case of the petitioner for regularisation keeping in view Exs.P13, P15 and P17 and pass appropriate speaking orders within a specified period, inasmuch as, the respondent herein did pass speaking orders assigning specific reasons, one cannot complain of any disobedience to the order passed. The reasons assigned in speaking order, even if they are not happily worded, it can be seen that there was application of mind on the part of the author, hence, it is not for the contempt Court to judge the same, rather the speaking order and reasons assigned therein have to be tested by laying challenge to it. Rightly, in the present case, the writ petitioner, having questioned the same in W.P.No.23551 of 2025, cannot maintain the present contempt case. It is also contended that it is only the Commissioner who is competent to decide the claim for regularisation under Section 35 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987, but not the Executive Officer. Therefore, merely because representation is made to the 3rd respondent, he would not be competent enough to decide the issue therein. To buttress the same, reference is made to Exs.P13, P15 and P17, which stated to have been issued though in the name of Executive Officer, it was only after a prior approval and decision of the Commissioner.

6. Perused the record and considered the rival contentions of both the learned senior counsel and the learned counsel.

7. The question that falls for consideration is as to whether the respondent/contemnor has in any way disobeyed implementing the order of the writ Court, and whether such an act amounts to contempt of court?

8. Before adverting to the said question, it is apt to refer the judgment of the Hon'ble Apex Court in Celir LLP v. Sumati Prasad Bafna 2024 SCC OnLine SC 3727, wherein the Hon'ble Apex Court, while reiterating the contempt jurisdiction, has flagged the caution and circumspection in exercising the said jurisdiction.

It is apt to refer to the following paragraphs of the said judgment:

"202. However, at the same time, the power of contempt ought to be exercised sparingly and with caution and care. It operates with a string of caution and unless otherwise satisfied beyond doubt, it would neither be fair nor reasonable for the courts to resort to such powers. The standard of proof required before a person is held guilty of committing contempt of court must be beyond all reasonable doubt.

203. The courts while exercising its contempt jurisdiction must remain circumspect, more particularly, where there exists a possibility of the order being amenable to more than one interpretation. In Jhareshwar Prasad Paul v. Tarak Nath Ganguly reported in (2002) 5 SCC 352 it was held that if an order does not contain any specific direction regarding a matter or if there is any ambiguity in

the directions issued therein then it would be appropriate to direct the parties to approach the court which disposed of the matter for necessary clarification of the order instead of the court exercising its contempt jurisdiction thereby taking upon itself the power to decide the original proceeding in a manner not dealt with by the court passing the judgment or order. The relevant observations read as under:—

“The contempt jurisdiction should be confined to the question whether there has been any deliberate disobedience of the order of the court and if the conduct of the party who is alleged to have committed such disobedience is contumacious. The court exercising contempt jurisdiction is not entitled to enter into questions which have not been dealt with and decided in the judgment or order.. The court has to consider the direction issued in the judgment or order and not to consider the question as to what the judgment or order should have contained. At the cost of repetition, be it stated here that the court exercising contempt jurisdiction is primarily concerned with the question of contumacious conduct of the party, which is alleged to have committed deliberate default in complying with the directions in the judgment or order. If the judgment or order does not contain any specific direction regarding a matter or if there is any ambiguity in the directions issued therein then it will be better to direct the parties to approach the court which disposed of the matter for clarification of the order instead of the court exercising contempt jurisdiction taking upon itself the power to decide the original proceeding in a manner not dealt with by the court passing the judgment or order.”

(Emphasis supplied)

9. The request of petitioner for regularisation to the post of Computer Operator in the cadre of Junior Assistant was initially directed to be considered by passing appropriate order in W.P.No.21894 of 2018. The same came to be rejected by order, dated 06.06.2025, passed by the Executive Officer, which was subject matter of challenge in W.P.No.15981 of 2025. Perusal of the order passed in the said writ petition goes to show that the writ Court was primarily concerned about the impugned order therein not providing for any reasons for coming to the decision in rejecting the case of the petitioner for regularisation. In that context, when it was brought to the notice of the writ Court that despite petitioner placing reliance on certain of the documents, in particular, Exs.P13, P15 and P17 mentioned therein, which did not find mention nor being adverted to, the writ Court eventually has set aside the impugned order, dated 06.06.2025, and remanded back the matter to the 3rd respondent for reconsideration keeping in view aforesaid documents in the process of decision making and to pass appropriate speaking orders. Subsequently, speaking order, dated 25.07.2025, came to be passed rejecting the request of petitioner for regularisation. On perusal of the said order, it is very much apparent that the respondent herein did deal with Exs.P13, P15 and P17, on which petitioner sought to rely, however, by recording reasons, those exhibits came to be either distinguished or found not

applicable to petitioner. Though the expression used therein "irrelevant", according to the learned senior counsel appearing for the petitioner, being excessive and clearly amounted to demeaning and deliberate act of contempt, considering the fact that the officer, who passed the speaking order, to be not well conversant with sufficient legal acumen to express himself in a more eloquent way of putting it, by mere using of such expression, this Court cannot come to any definite conclusion that he had intention of disobeying the orders.

10. Be that as it may, the speaking order has in many words records reasons in the process of decision making, which indicate that there was some application of mind. Hence, this Court should not be concerned with the merits or otherwise of the reasons and ultimate decision arrived.

11. This Court would have been with the petitioner had the order in the writ petition issued mandamus to the Executive Officer for regularising the petitioner in line with the decisions taken under Exs.P13, P15 and P17, which is not the case on hand, therefore, it cannot be said that the respondent tried to deliberately disobey the order of the Court nor his conduct is said to be contumacious. The attempt made by the learned senior counsel to impress upon this Court that petitioner is entitled to be considered for regularisation, in the teeth of the judgments of the Hon'ble Apex Court, rendered in Dharam Singh 2025 SCC OnLine SC 1735; Jaggo 2024 SCC OnLine SC 3826; Shripal 2025 SCC OnLine 221 and K. Velajagan 2025 SCC OnLine SC 837, is itself sufficient to hold that in the earlier round of litigation there was no order as such in favour of petitioner to regularise him rather it was only a direction for consideration of the request based on the material placed before the Executive Officer. This Court, exercising contempt jurisdiction, should show much caution and care, and cannot exercise the same unless it is satisfied beyond a reasonable doubt. It is trite law that the standard of proof required before a person is held guilty of committing contempt of court must be beyond all reasonable doubts.

12. Though learned counsel for the respondent raised contention that decision for regularisation has to be made by the Commissioner, but not the Executive Officer, inasmuch as the same touches merits of the matter, this Court is not inclined to enter the arena and leave it for writ Court to decide.

13. In view of the same, this Court does not find any merit in this case and accordingly, the Contempt Case stands dismissed. No order as to costs.

As a sequel, miscellaneous petitions pending consideration, if any, in this case shall stand closed.