

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY**

CONTEMPT CASE NO: 1946 OF 2023

Contempt Case filed under Sections 10 to 12 of Contempt of Courts Act, 1971 to punish the Contemnors herein with the most exemplary punishment possible, for deliberately, intentionally and willfully flouting, defying and refusing to implement the sacrosanct Orders of the High Court dated 04-01-2021 passed in W.A. No. 143 of 2017.

Between:

Narendra Agrawal, S/o. Late Shri Nathulal Agrawal, Age about 55 years, Occ. Chief HR Manager, Indian Immunologicals Limited (A wholly owned subsidiary of NDDDB) Road No 44, Jubilee Hills, Hyderabad - 33

...Petitioner

AND

1. Dr K Anand Kumar, Managing Director, Indian Immunologicals Limited (A wholly owned subsidiary of NDDDB) Road No 44, Jubilee Hills, Hyderabad - 33
2. Dr Priyabrata Pattnaik, Dy Managing Director, Indian Immunologicals Limited (A wholly owned subsidiary of NDDDB) Road No 44, Jubilee Hills, Hyderabad - 33
3. Mr Meenesh Shah,, Chairman, Indian Immunologicals Limited (A wholly owned subsidiary of NDDDB) Road No 44, Jubilee Hills, Hyderabad - 33

...Contemnors / Respondents

**Counsel for the Petitioner : Shri Narendra Agrawal,
Party-In-Person**

**Counsel for the Respondents : Mr Avinash Desai, Senior Counsel
Rep. Sri M Pranav**

The Court made the following Order :

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY**

CONTEMPT CASE No.1946 of 2023

ORDER: (Per Hon'ble Sri Justice B. Vijaysen Reddy)

This contempt case is filed to punish the contemnors for disobedience of the order of this Court dated 04.01.2021 in WA.No.143 of 2017.

2. The petitioner – party-in-person has drawn attention of this Court to various paragraphs of the order dated 04.01.2021 in WA.No.143 of 2017 and contended that this Court held him to be a permanent employee. Despite the same, the petitioner is reinstated as a contract employee by letter dated 14.11.2022.

3. Petitioner submitted that as per letter dated 14.11.2022 the contract of the petitioner was renewed with effect from 01.04.2021 till 31.03.2024. Petitioner was paid salary, which is far less than the salary paid to his juniors. Petitioner relied upon the observations of this Court on issue No.3, namely, '*Whether the petitioner is a permanent employee of the respondent No.2 or not?*' in para 32 of the order dated 04.01.2021 in WA.No.143 of 2017 wherein it was held that "*...the petitioner will retire at the age of 58 years and bound by service rules...*" and also the observations in para 37. Based on the above observations, it is contended that

reinstatement of the petitioner as a contract employee is in willful disobedience of the order dated 04.01.2021. The respondents have not only committed civil contempt but also criminal contempt by undermining the dignity of this Court. Since the issue of permanent employment of the petitioner was already decided, the act of the respondents in not issuing orders of permanent employment defies the authority of this Court and thus, the respondents are liable for contempt.

4. Mr. Avinash Desai, learned senior counsel for the respondents, brought to the notice of this Court that, in connection with the same *lis*, the petitioner instituted WP.No.22294 of 2024 challenging Letter No.IIL: HR: 2024 dated 29.03.2024 and for consequential reliefs viz. to give him benefit of maximum annual increment and performance pay given to any other Managerial employees of the company etc.

5. Learned senior counsel submitted that the extension of term of employment of the petitioner for a period of three years by letter dated 14.11.2022 was in accordance with the service rules of the respondent-company. There is no violation or disobedience of the order passed by this Court in WA.No.143 of 2017. The writ appeal arising out of WP.No.4159 of 2015 dated 24.11.2016 only deals with termination of service of the petitioner and no way relates to

continuation of the petitioner until he attains the age of superannuation. There was no relief sought for in the said case that the petitioner should be continued till he attains the age of superannuation. In any event, since the petitioner has chosen to file WP.No.22294 of 2024 challenging the termination letter dated 29.03.2024, he cannot be permitted to pursue this contempt case.

6. The matter was argued for a considerable length of time. During the course of hearing, this Court suggested to the petitioner that the learned Single Judge hearing WP.No.22294 of 2024 would be requested to pass orders within two months and it would be in his best interest to pursue the said writ petition instead of pursuing this contempt case. On persuasion of this Court, the petitioner accepted to the said suggestion. However, the petitioner has sought liberty to seek amendment of pleadings in WP.No.22294 of 2024, if required.

7. In the above circumstances, the contempt case is disposed of requesting the learned Single Judge to dispose of WP.No.22294 of 2024 within a period of two (2) months from the date of receipt of a copy of this order. The petitioner is at liberty to seek amendment of pleadings in WP.No.22294 of 2024 and persuade the learned Single Judge by relying on the judgment of this Court in WA.No.143 of

2017 dated 04.01.2021 and order of the Supreme Court in SLP(C).Nos.8633-8635 of 2021 dated 19.09.2022.

Miscellaneous petitions, pending if any, shall stand closed.

There shall be no order as to costs.

Sd/- I. NAGA LAKSHMI
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Section Officer, Writ (Service) Section, High court of Telangana at Hyderabad.
2. The Section Officer, Posting Section, High Court of Telangana at Hyderabad.
3. One CC to Sri Narendra Agrawal, S/o. Late Shri Nathulal Agrawal, Occ. Chief HR Manager, Indian Immunologicals Limited (A wholly owned subsidiary of NDDDB) Road No 44, Jubilee Hills, Hyderabad – 33, Party-In-Person [OPUC]
4. One CC to Sri M Pranav, Advocate [OPUC]
5. Two CD Copies

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HIGH COURT

DATED:04/10/2024

ORDER

CC.No.1946 of 2023



DISPOSING OF THE CC

⑦ Copies
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8/10/24