

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Reserve: 18th February, 2010
Date of Order: 22nd February, 2010

CONT. CAS. (C) No. 162/2007

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22.2.2010

Wing Commander (Dr.) Sushil

Through: Petitioner-in-person

... Petitioner

Versus

D.N.Tripathi & Ors.

Through: Mr. Manish Bishnoi &
Mr. C.P.Tyagi, Advocates

... Respondents

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

JUDGMENT

The petitioner by this contempt petition has alleged non compliance of the directions given by this Court vide its order dated 20.12.2006 whereby this Court declared the action of suspension of the petitioner on the charge-sheet already filed as *non est*. However, the Court gave respondent an opportunity to objectively examine the misconduct of the petitioner and to take appropriate action, if required. The Court also directed for calling comments of the petitioner on the allegations and conducting a fact finding inquiry. The Court observed that the respondent would be entitled to serve a fresh charge-sheet, if so advised. After the order, petitioner was reinstated and given all consequential benefits. The contention of the petitioner is that though the petitioner has been reinstated and all salary benefits have been given but the petitioner has not been assigned work and the office assigned to the petitioner was not of the status and it was not being properly cleaned etc.

2. The Counsel for the respondent has submitted that the fresh charge-sheet has been served upon the petitioner. The petitioner was given a proper office and arrears of salary have been paid. There was no disobedience of the order.

3. I consider that in view of the fact that the petitioner had already been reinstated and arrears have been paid to him, merely because the petitioner has not been assigned some work would not amount to contempt of court. It is for the employer to see what job is to be assigned to the employee and the employer has a right not to assign any job to the employee, if it is found that the employee's integrity was not beyond doubt and his conduct was such that he should not be assigned work.

I, therefore find no merits in this contempt petition. The petition is hereby dismissed.

February 22, 2010
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SHIV NARAYAN DHINGRA, J.