

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

Date of Reserve: 03.02.2010
Date of Order: 22nd March, 2010

CM(M) No.364/2008

%

22.03.2010

A.K. CHOHDDA

... Petitioner

Through: In person.

Versus

G.K. PILLAI

..... Respondent

Through: Mr. A.K. Bhardwaj, Advocate

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

By this Contempt Petition, the petitioner has contended that the respondent failed to comply with the orders of this Court dated 20th September, 2007 and 29th October, 2007.

2. In the order dated 20th September, 2009, this Court had given amended directions which read as under:

“(a) Respondents shall hold Review DPC for all the vacancies starting from the year 2001-2002 till may, 2004 by

following the criteria of selection by merit;

(b) Prepare a panel year-wise and

(c) to decide seniority of all such officers according to new panel and issue corrected seniority list of Dy. D.G. within a reasonable period;

(d) (i) It is, however, clarified that in case applicant/other officers become entitled to be promoted from an earlier date in view of recommendations to be made by review DPC, they would be entitled to only notational pay fixation from that date in view of 2006(5) SCC 673 State of UP and Ors. Vs. Raj Kishore Yadav and Anr.”

3. In the subsequent order, a hope was expressed that DPC would be held within a period of three months as the petitioner was likely to retire in near future. The petitioner contended in the Contempt Petition that the respondent did not comply with the directions given by the Court. It is submitted that the respondent sent proposals to UPSC in first week of January 2008 to hold review DPC. About six months passed since sending of proposals and respondent did not convene Review DPCs for the post of DDG(S) and thereafter for the post of ADG. The Review DPC ought to have been completed by 28th January, 2008 in view of the directions given in order dated 29th October, 2007. It is submitted that respondent UPSC was deliberately trying to delay holding of the Review DPC and had also wrongfully adopted ‘fitness system’

in the method of drawing panel instead of 'grading system' to prejudice the petitioner. The respondent was, therefore, guilty of contempt.

4. In rejoinder the respondent had submitted that the -order passed by the Court has been honoured and obeyed. Review DPC dated 1.7.08 was held for promotion to the posts of DDG(S), DGS&D. The DPC committee assessed the officers on the basis of criteria and guidelines of the Commission (UPSC), as applicable for promotion. An official was required to attain three or more grading as 'very good' out of 5 previous CRs and in order to be graded as 'outstanding' an officer was required to attain four outstanding grades out of 5 CRs including the latest CR. Thus, Review DPC was held as per directions given by the Court and the petitioner was not found fit for promotion.

5. The petitioner in the rejoinder has stated that the respondent committed irregularity by applying 'fitness subject to bench mark' in place of 'grading' while holding Review DPC on 1.7.2008 and the respondent committed several irregularities and manipulations. In the rejoinder he listed his grievances against the manner of holding Review DPC. These grievances have been tabled by him in three pages of his rejoinder.

6. While considering contempt in a petition for 'Contempt of Court', this Court cannot give new directions nor can change the directions already given. The court has only to see if the respondent has complied with the earlier directions. The petitioner's contention that Review DPC was not held in accordance with the rules is not tenable in the present case since this Court in its order had made it clear that the selection was to be done on merits as per criteria laid down. In view of the fact that Review DPC was held and the criteria, as laid down for selection to the post was followed by the respondent, I find no merits in this contempt petition. The petition is hereby dismissed.

March 22, 2010
acm

SHIV NARAYAN DHINGRA, J.