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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Cont. Cas. (C) No.338 of 2009

03.03.2010

R.K. GARG

.....Petitioner

Through: Ms. Nandita Rao, Advocate.

Versus

D.D. GAUTAM & ANR.

.....Respondents

Through: Mr. Arunabh Chowdhary & Mr. Raktim
Gogoi, Advocates.

Date of Reserve: 22nd January, 2010

Date of Order: March 03, 2010

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?

J U D G M E N T

1. This contempt petition has been filed by the petitioner alleging violation of order dated 29th August, 2008. The relevant portion of the order reads as under :-

“At this stage, counsel for both the parties have agreed for passing of a consent order without going into the question of territorial jurisdiction of the Court. Counsel appearing for both the parties have agreed for passing of a consent order to the following effect :-

The stay order against the charge-sheet passed by this Court on 23.10.2007 is vacated. Respondents No.1 & 2 shall start the inquiry against the petitioner pursuant to charge-sheet served upon the petitioner on 29.10.2007 and shall conclude the same by 30.11.2008. While conducting inquiry, the respondents shall also adjudicate the Show Cause Notice dated 28.03.2007. The petitioner shall participate and cooperate in the inquiry and will not ask for any unnecessary adjournment on dates to be fixed by the Inquiry Officer for hearing of the case. Respondents No.1 & 2 shall inform the out come of the inquiry to the petitioner by 30.11.2008 and in case the petitioner is aggrieved by the same, he shall be entitled to avail legal remedies in appropriate proceedings before the competent court as per law.”

2. The contention of the petitioner in the petition is that this court had directed respondents to adjudicate show cause notice dated 28th March, 2007. However,

respondent No.1 failed to adjudicate the validity of show cause notice dated 28th March, 2007 before proceeding to conduct a full fledged domestic inquiry upon the charge sheet. It is submitted that this amounted to a deliberate and willful disobedience of the directions of the court.

3. The order is very clear. The order does not say that the respondents were supposed to adjudicate the validity of show cause notice before issuance of charge sheet or before conducting inquiry. In fact, charge sheet had already been served upon the petitioner. This court gave direction for conducting and concluding the inquiry. Only while concluding the inquiry, respondent No.1 was to adjudicate the show cause notice dated 28th March, 2007 and not otherwise. Thus, this petition is a grave misuse of the judicial process.

4. The present petition filed by the petitioner for contempt is a frivolous petition filed with ulterior motive. It is liable to be dismissed with heavy cost. The petition is hereby dismissed with cost of Rs.20,000/-.

SHIV NARAYAN DHINGRA J.

MARCH 03, 2010
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