

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

Cont. Cas. (C) No.892 of 2009 & C.M. Appl. No.17136 of 2009

%

22.03.2010

UMA BANSAL

.....Petitioner

Through: Mr. Biraja Mahapatra, Advocate.

Versus

NUZHAT HASSAN

.....Respondent

Through: Mr. G.V.R. Chaudhary, Advocate.

Date of Reserve: 15th March, 2010

Date of Order: 22nd March, 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. In this petition, the petitioner has alleged violation of order dated 1st September, 2008 passed by this court in W.P. (C) No.1829 of 2008. Operative part of the order reads as under :-

“In view of the above and having regard to the facts and circumstances of the case, the impugned advertisement dated 09.02.2008 is quashed. This writ petition is allowed. The respondent is directed to constitute a DPC and consider the petitioner along with other eligible candidates for her promotion to the post of Editor in terms of its recruitment rules. The needful be done by the respondent as expeditiously as possible preferably within eight weeks from today.”

2. It is not disputed that an LPA was preferred by the respondent against order in W.P. (C) No.1829 of 2008 before the Division Bench and vide order dated 13th April, 2009, counsel for both the parties submitted that leaving the question of law open, the

appellant be allowed to carry out recruitment. The court also observed that post vacated by Smt. Sushma Sonak shall be filled by direct recruitment and the post which had fallen vacant subsequently shall go to quota of promotees against which the respondent (petitioner herein) shall be considered. The court observed that leaving the question of law open, the appeal was being disposed of in these terms. The Division Bench further gave direction that along with direct recruitment, immediate steps shall be taken for filling up post under promotion quota.

3. It seems another application was made before the Division Bench and on 7th July, 2009. The Division Bench again ordered that till next date of hearing, appellant shall not go ahead with direct recruitment for post vacated by Smt. Sushma Sonak. On 28th July, 2007, Division Bench, on a statement from the appellant (respondent herein) recalled the order dated 13th April, 2009 and appeal was placed for admission on 4th August, 2009. On 20th August, 2009, the appeal was admitted and the Division Bench passed following order :-

“Learned counsel appearing for the appellant states that one post of Editor in promotional quota has become vacant on account of retirement of Sh. P.R. Monga. He states that the respondent will be considered against the vacancy of Sh. P.R. Monga along with other eligible candidates and the process will be completed and the appointment will be made within a period of three months from today.”

4. It is not disputed that the petitioner was considered against the vacancy of Sh. P.R. Monga along with other eligible candidates and was found to be not suitable for promotion. The petitioner has filed the present contempt petition alleging that the respondent had issued an advertisement for direct recruitment.

5. It is settled law that order of the Single Bench would merge into the order of the Division Bench. The Division Bench while admitting the petition had considered the question of petitioner's right to be considered against promote quota and gave direction which have been complied with. Since, the order of Single Bench merged into order of the Division Bench, no contempt would lie on the ground of violation of order of Single Bench.

6. I, therefore, find that no contempt was made out in this case. The petition is hereby dismissed.

SHIV NARAYAN DHINGRA J.

MARCH 22, 2010
'AA'