

IN THE HIGH COURT OF BOMBAY AT GOA

CONTEMPT PETITION NO.41 OF 2014

IN

WRIT PETITION NO.91 OF 2013

SHRI KRISHNA L. NAIK AND 2 ORS.,PETITIONERS

V/S

**MR. R. K. SRIVASTAVA, ACTING
CHIEF SECRETARY AND ANR. RESPONDENTS**

Shri Aires Rodrigues, Advocate for the Petitioners.
Shri N. Pai, Additional Government Advocate for the Respondents.

Coram : N.M. JAMDAR, J.

Date : 28th January, 2015

P.C.:

The petitioners pray that a suitable action be taken against the respondents under the Contempt of Courts Act and Article 215 of the Constitution of India for violation of the order dated 25th March, 2014 in Writ Petition No.91/2013.

2. The Contempt Petition had come up for consideration on 12th December, 2014 and following order came to be passed:

“P.C.

Heard Mr. A. Rodrigues, learned counsel appearing for the petitioners and Mr. A. N. S. Nadkarni, learned Advocate General appearing for the respondents.

2. The above Contempt Petition has been filed

on account of the alleged breach and the unreasonable delay in complying with the directions in the judgment passed by the Division Bench of this Court dated 25.03.2014.

3. Mr. Rodrigues, learned counsel appearing for the petitioners has vehemently raised the contention that the contempt proceedings have to be immediately initiated as there is no justifiable reason to refuse such relief. Mr. Nadkarni, learned Advocate General has pointed out that in terms of the judgment of the Division Bench of this Court the process has already been initiated and in fact the police verification is in progress. The learned Advocate General has also pointed out that this process has been initiated without prejudice to the rights of the petitioners in challenging the judgment before the Apex Court.

4. Considering that the judgment was passed in March, 2014 and the directions therein have not gone to its logical conclusion, I find it appropriate to defer the further hearing of the above Contempt Petition to 16.01.2015 to examine the progress in the process as pointed out by the learned Advocate General. All contentions of the learned Advocate General with regard to the maintainability of the Contempt Petition are left open.”

3. Shri N. Pai, the learned Additional Government Advocate for the respondents submitted that the Special Leave Petition filed by the State Government before the Apex Court has been dismissed in January, 2015 and, thereafter, appointment orders have been issued to the petitioners on 13th January, 2015 and the petitioners are now in employment.

4. Shri Aires Rodrigues, the learned Counsel for the petitioners does not dispute this position, however submits that defiance was shown by the respondents by not implementing the order dated 25th March, 2014, without any justifiable cause. He submits that even incorrect statements are made on affidavit that the process was already initiated.

5. By order dated 12th December, 2014 time was granted and the hearing of the Contempt Petition was deferred in view of the Special Leave Petition inspite of the insistence of the learned Counsel for the petitioner that contempt proceedings should be immediately initiated and that after the decision of the Apex Court the petitioners stand appointed, I do not propose to take strict action against the respondents under the contempt of Courts Act. However, the fact that from 25th March, 2014 till 13th January, 2015, inspite of the order of this Court in their favour the petitioners were not given appointment, is not a happy position. The State Government ought to have moved expeditiously to challenge the decision dated 25th March, 2014. If the contention of the learned Counsel for the petitioner that no steps were initiated at all, is found to be true, that also is not a desirable conduct on the part of the respondents. However, since the

petitioners now stand appointed as stated above, it is not necessary to precipitate the issue further. No further directions need to be issued in this Contempt Petition, which is accordingly disposed of.

N.M. JAMDAR, J.

NH/-