

**THE HON'BLE SRI JUSTICE RAMESH
RANGANATHAN**

And

THE HON'BLE SRI JUSTICE S.RAVI KUMAR

Contempt Case No.304 of 2015

ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

The respondent-contemnor is present in Court.

This Contempt Case is filed alleging violation of the order passed by this Court in W.P.M.P.No.34881 of 2008 in W.P.No.26643 of 2008 dated 05.12.2008 whereby *status quo* existing on the date of the order was directed to be maintained. The writ petition was filed by the Railways against the order passed by the Central Administrative Tribunal, Hyderabad Bench, in O.A.No.482 of 2006. By its order dated 30.07.2008, the Tribunal allowed the O.A. with the following directions:

- (i) The respondents shall revise the panel strictly in accordance with the instructions contained in the Department of Personnel & Training Memo dated 2-7-1997 and the further clarification issued on 11-7-2002.
- (ii) Such revision shall be completed within a period of two months from the date of receipt of a copy of this order;
- (iii) The candidates who may be affected by the revision, may submit their individual representation within a period of one month from the date of such revision; and
- (iv) The respondents shall dispose of such representations suitably with speaking orders, within a period of one month thereafter and finalize the list.

As *status quo* was directed to be maintained by this Court, the writ petitioner could not, thereafter, have effected promotion of the unofficial respondents. On the ground that the writ petitioner had violated the order of this Court, the 1st respondent in the writ petition (applicant in the O.A.) filed C.C.No.2214 of 2013. The writ petitioner brought to the notice of this Court that they had not effected promotions and,

consequently, C.C.No.2214 of 2013 was dismissed by order dated 12.02.2014. The petitioner, thereafter, issued proceedings dated 10.11.2014 seeking certain documents relating to the employees who were coming up for promotion to the post of Senior Section Engineer, and, by proceedings dated 31.12.2014, certain employees were promoted to the said post which included respondents 3 to 5 in the writ petition. The present Contempt Case was filed alleging that the aforesaid order dated 31.12.2014 is passed in violation of the order of *status quo* passed by this Court.

A counter affidavit is filed by the Senior Divisional Personnel Officer stating that the order of the promotion was cancelled by order dated 26.03.2015; and promotions would not be given effect to till the writ petition was disposed of. He has also tendered his unconditional apology for his earlier act. The order of this Court has, no doubt, been violated. While examining the question whether the violation was willful and deliberate and, if so, the nature of punishment to be imposed, this Court would also take into consideration the apology tendered by the contemnor, provided it is an expression of genuine regret, and has not been made only to avoid being punished under the Contempt of Courts Act. This Court would also take into consideration action, if any, taken by the contemnor to purge himself of contempt.

The writ petitioner has, by revoking the order of promotion of respondents 3 to 5, rectified the earlier error in promoting them in violation of the *status quo* order passed by this Court. This act of his, coupled with his expression of regret, would justify this Court not taking further action against him, or to impose punishment on him, under the Contempt of Courts Act.

Recording the submission of the contemnor, who is present in Court today, that the order of *status quo* would be adhered to as long as it remains in force, the Contempt Case is closed. The Contempt Applications pending, if any, shall also stand closed. There shall be no order as to costs.

**RAMESH
RANGANATHAN, J**

S.RAVI KUMAR, J

01st July 2015
JSU

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Date: 01.07.2015

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