

**THE HON'BLE SRI JUSTICE DILIP B.BHOSALE
AND
THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

CONTEMPT CASE No.349 of 2015

P.C.: (per Hon'ble Sri Justice Dilip B.Bhosale)

Heard the petitioner in person and learned counsel for the respondent. Petitioner in the instant Contempt Case allege wilful disobedience of the direction issued by this Court vide order dated 08.10.2013 passed in W.P.No.21345 of 2010.

It appears that in the writ petition, the petitioner had sought declaration that the action of the respondent in not properly and objectively assessing the answer scripts of the petitioner in the Limited Departmental Competitive Examination for promotion to the cadre Postal Service Group 'B' for accumulated vacancies for the period 2003 to 2008 held on 16th and 17th February, 2008, as arbitrary, illegal, unjust and violative of Articles 14 to 16 of the Constitution of India. He also prayed for consequential direction to the respondent to reassess the Papers I and IV of the petitioner and declare him to have qualified in the Limited Departmental Competitive Examination for promotion to the said cadre Postal Service Group 'B' and promote him to the post of Superintendent w.e.f. the date on which they declared the result (i.e. dated 01.08.2008) and promoted the successful candidates. In the light of the prayer made in the writ petition, the writ petition was disposed of with the following observations in the concluding paragraph:

"13. Hence, this writ petition is allowed and the respondent shall consider the case of the petitioner, for promotion to the post of Superintendent of Post Offices, by treating him as having secured minimum marks in Paper-IV. If all the vacancies, for which the examination was held in 2007, are filled, the petitioner shall be considered against a vacancy that arose thereafter. Such exercise shall not displace any person, who was already promoted to the post of Superintendent. The

petitioner shall not be promoted to the post of Superintendent. The petitioner shall not be entitled to be paid any back-wages. He shall take the seniority after the last candidate, who has been appointed as Superintendent of Post Offices, on regular basis, as of now. There shall be no order as to costs.”

Learned counsel for the respondent submits that the respondent considered the petitioner’s case in the light of the observations made in the order dated 08.10.2013, and passed order dated 03.03.2015. He also placed the order on record for our perusal. It is clearly mentioned in the order dated 03.03.2015 that they passed the order in compliance of the order dated 08.10.2013 in writ petition No.21345 of 2010.

On perusal of the order dated 03.03.2015 we find that the respondent have complied the order dated 08.10.2013 passed in W.P.No.21345 of 2010 filed by the petitioner declaring the revised/recast result of LDCE, 2003-06 in respect of the petitioner as selected for Postal Service Group ‘B’ cadre. It is not in dispute that a criminal as well as departmental proceeding are pending against the petitioner, and in view of the Rules governing the Promotion, as submitted by learned counsel for the respondent, the action of actual promotion will be considered only on clearing of the departmental enquiry. He also submits that they would complete the departmental enquiry in six months from today. In view thereof, we do not find any reason to keep the Contempt Case pending any further. This order, however, does not preclude the petitioner from challenging the order dated 03.03.2015 issued by the respondent in pursuance of the order dated 08.10.2013 passed in W.P.No.21345 of 2010, if so advised.

With these observations, the Contempt Case is disposed of.

Miscellaneous petitions pending in the Contempt Case, if any, also stand disposed of.

Dilip B.Bhosale, J

Challa Kodanda Ram, J

10th April, 2015.
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