

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

C.C. No.400 of 2016

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

The order, violation of which is alleged in this contempt case, is the order passed in W.P.No.39158 of 2013 & batch dated 29.04.2015 whereby the respondents were required to undertake an exercise of gathering data and forming an opinion, on the parameters laid down by the Supreme Court in *M.Nagraj vs. Union of India*^[1] within six months from the date of receipt of a copy of the order. Alleging violation of the said order, the petitioner has invoked the jurisdiction of this Court under the Contempt of Courts Act, 1971 (for short "the Act").

While the petitioner alleged that the respondents had received a copy of the order much earlier to the date, on which they contend as having received it, the affidavit filed in support of the contempt case, does not even state the date on which the said order is said to have been received by the respondents. As it now transpires, the respondents have completed the exercise of gathering data, and forming an opinion, within the time stipulated by this Court. We see no reason, therefore, to proceed against them under the Act.

Sri J.Sudheer, learned counsel for the petitioner, would submit that, notwithstanding formation of opinion that reservation should be provided in promotions, the respondents have not effected promotions in certain divisions till date.

The order of this Court only required the respondents to gather data, and form an opinion, regarding providing reservation within a specified time frame. It did not stipulate any time frame within which consequential promotions should be made. Any grievance, which the petitioner may have, regarding the inaction of the respondents in effecting promotions pursuant to the formation of opinion, cannot be examined in contempt proceedings.

While Sri J.Sudheer, learned counsel for the petitioner, would

seek liberty to file an O.A. in this regard, the jurisdiction which this Court exercises under the Act is limited only to an examination as to whether the order of this Court has been violated, and whether such violation is wilful and deliberate. It is wholly unnecessary for us, therefore, to grant liberty to the petitioner, as he is always entitled to avail such remedies as are available to him in law.

The Contempt Case is dismissed.

The miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

RAMESH RANGANATHAN, J

M. SATYANARAYANA MURTHY, J

Date: 03.03.2016
JSU

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
AND
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