

HONOURABLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE NO.2499 OF 2015

Date: 17.06.2016

Between :

Venkata Rao Chatala S/o Subba Rao,
Aged about 33 years, Occu: presently working
as Software Engineer, O/o Centre for Railway
Information Systems (CRIS), 1st Floor, Railway
Reservation Complex, SC Railway, Secunderabad.

.... Petitioner

And

Mr Shiv Kumar Prasad, the Registrar, Centre
for Railway Information Systems, New Delhi
Safdar Jang Railway Station, Chanakyapuri,
New Delhi

.... Respondent

This Court made the following :

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ORDER:

This Court disposed of the Writ Petition No.36005 of 2015 by order dated 16.11.2015. The relevant portion of the order reads as under:

“4. Having regard to the above submissions, this Writ Petition is disposed of directing the 2nd respondent to consider the appeal filed by the petitioner on 10.10.2015 and pass appropriate orders in accordance with law by duly taking note of the grounds urged by the petitioner in the appeal, as expeditiously as possible, preferably within a period of four (04) weeks from today, at any rate before considering any further promotion to the cadre of Senior Software Engineer. There shall be no order as to costs.”

2. In pursuant to the directions issued by this Court, the competent authority passed orders on 09.12.2015 rejecting the appeal filed by the petitioner and affirmed the decision of the Reviewing Authority.

3. This Contempt Case is filed alleging that two limbs of the orders passed by this Court are violated by the respondent. In the first limb of the order, direction was issued to consider the appeal filed by the petitioner and pass appropriate orders in accordance with law by duly taking note of the grounds urged by the petitioner in the appeal and second limb of the order was, such decision should be made before effecting promotions. Even before the order was passed, promotions were effected and, therefore, that order was violated.

4. With reference to second limb of the order, this Court is informed that as a consequence of the orders passed by this Court, the orders of promotions granted earlier were withdrawn.

5. It is contended that though direction was issued to consider the grounds urged in the appeal in accordance with law, the order passed by the competent authority does not deal with the grounds urged by the petitioner and consideration was not in accordance with law. Learned counsel for petitioner forcibly contended that several grounds urged by the petitioner were not considered and consideration was not in accordance with the instructions issued for preparation of the ACRs and, therefore, the order passed on 09.12.2015 does not amount to due compliance of the orders issued by this Court. Hence, the orders of this Court are violated.

6. With reference to the first limb of the order, as seen from the order passed by the competent authority on 09.12.2015, the competent authority has considered the ACR gradings as reviewed by the reviewing authority and the justification given by the reviewing authority to down- grade the ACR ratings. The opening sentence of second para at page no.2 of the order starts with "And whereas the undersigned considered various grounds". The competent authority has reviewed the entire issue and referred to the reasons assigned by the reviewing authority. Though there were elaborate grounds urged by the petitioner, but reading of the order would show that the Registrar did take note of various grounds urged by the petitioner and examined the reasons assigned by the reviewing authority in down-grading the grading assigned by the reporting officer and came to conclusion that reasons assigned by reviewing authority are valid. Thus, it cannot be said that there was no application of mind by the Registrar in considering the appeal as per the directions of the Court.

7. There may be merit in the contentions of the learned counsel for the petitioner on the manner in which the gradings were down-graded by reviewing authority as affirmed by the Registrar, but those aspects cannot be gone into in contempt proceedings. Petitioner has to assert the legality of such decisions while availing appropriate remedies as available to him in law.

8. Suffice to note that in the context of the order passed by this Court, it cannot be said that order passed by the competent authority is in violation of the directions issued by this Court. Contempt Case is accordingly closed. It is made clear that observations made herein above are only for the purpose of consideration of the issue of the compliance of the orders of this Court and cannot be treated as observations made on merits and it is left open to the petitioner to urge all contentions as available in law in appropriate proceedings.

Miscellaneous petitions if any pending in the contempt case shall stand closed.

JUSTICE P.NAVEEN RAO

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