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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CONT.CAS(C) 636/2016**

S P GULATI Petitioner

Through: Mr. Kartar Singh, Adv.

Versus

S C JAIN CHAIRMAN & ORS Respondents

Through: Mr. Amit Dayal, Adv. for R-1.

Mr. Anuj Aggarwal, ASC with Ms. Niti Jain, Adv.
for R-2 & 3.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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17.10.2016

The learned counsel for the petitioner says that the respondents have not complied with the order dated 19.03.2015, which observed, inter alia, as under:

“..... 1. The issue in the present case seems to be covered in favour of the petitioner in view of the Judgment of a Division Bench of this Court in the case of Government of NCT of Delhi & Ors. vs. Mithilesh Swami in W.P. (C) No. 2077/2012 decided on 08.04.2013, but, counsel for the respondent no. 2/Director of Education wants to examine as to whether there exist any orders or papers in the file of the respondent no.2 qua the petitioner by which petitioner as per the applicable guidelines need not having given reemployment. Of course, if there are no grounds existing in the file of the petitioner to be unfit for re-employment whether on account of the post being advertised for being filled by direct recruitment or the post was to be filled by promotion etc. as stated in the relevant guidelines, the petitioner may have granted a relief as claimed in the petition, of course subject to the condition that the petitioner may or may not be entitled to 100% of the salary but only 2/3rd portion thereof in

view of the Judgment of the Supreme Court in the case of State of Kerala & Ors. Vs. E.K. Bhaskaran Pillai (2007) 6 SCC 524.

2. List for further proceedings on 11.05.2015....”

The Court is of the view that there are no specific directions issued to the respondents which would require compliance by the respondents. The Court, at best, expressed its view regarding the likely percentage of the salary which the petitioner may be entitled to in terms of the judgment of the Supreme Court in the case of *State of Kerala & Ors. vs. E.K. Bhaskaran Pillai (2007) 6 SCC 524*. The case was listed for further proceedings on 11.05.2015. Even on the subsequent dates it is found that the Court did not take a view about the monies to be paid by the respondents.

From the above it is clear that there was no specific direction to be complied with. In the absence of same, no case for contempt is made out. The petition is, accordingly, dismissed.

NAJMI WAZIRI, J

OCTOBER 17, 2016/kk