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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **WRIT PETITION (CIVIL) NO. 3933/2016**

Date of decision: 6th May, 2016

P.C. MEENA

..... Petitioner

Through Mr. M.K. Bhardwaj, Advocate.

versus

NORTH DMC AND ORS.

..... Respondents

Through Ms. Biji Rajesh, Advocate for Mr.
Gaurang Kanth, Advocate for North DMC.

Mr. Arvind Kumr Sharma, Standing Counsel for
EDMC.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

SANJIV KHANNA, J. (ORAL):

The petitioner impugns order dated 25th April, 2016 of the Principal Bench of the Central Administrative Tribunal, New Delhi (Tribunal, for short) dismissing the contempt petition. This was the third contempt petition filed by the petitioner for alleged non-compliance and wilful violation of order dated 1st July, 2014 passed in OA No. 3551/2010.

2. The impugned order highlights repeated filing of contempt petitions and issue raised was raised earlier by way of contempt petitions. The contempt petition has been rejected on the ground that the same issue should not be permitted to be raised twice.

3. The petitioner has drawn our attention to order dated 12th March,

2015 passed in the first contempt petition CP No. 618/2014. This order notices that the petitioner was granted three reliefs in the order dated 1st July, 2014. For the present, we are not referring to the first two reliefs because it is not disputed that the said directions have been complied with. The third relief pertained to *ad hoc* promotion to the post of Chief Engineer. Regarding the third direction, the Tribunal in their earlier order dated 12th March, 2015 passed in CP No. 618/2014 had held as under:-

“5. In so far as, the third direction of the Tribunal is concerned, it was submitted by the learned counsel for the respondents that, in the meanwhile, in its order in WPC 5356/2014 K C Meena V/s North DMC & Ors., the Hon’ble Delhi High Court has been pleased to pass an order dated 19.12.2014, in which the directions were issued as follows:-

“(3) After compliance with (1) and (2) above, the process shall be complied in respect of Chief Engineer (Civil) likewise in six months from today.

(4) The relevant dossiers containing the names of all the eligible Officers who fulfil the criteria in terms of the prevailing rules and Circulars, and are eligible to be considered, shall be forwarded to the UPSC with all particulars in the case of each cadre of Executive Engineer (Civil), Superintendant Engineer (Civil) and likewise Chief Engineer to facilitate the process.

(5) In case of any pending litigation, all litigations involving the process of selection, unless there are orders to the contrary, the concerned Corporation, as far as possible, proceed with the process of

promotion and make it subject to the outcome of the said litigation.

It is clarified that this condition shall not be, in any manner, considered as a bar from proceeding in any matter on a Court from interpreting such direction as to mean that this has resulted in a stay or it prevents it from making an interim order.”

6. The learned counsel of both the sides concede that when the DPC would now be held for the post of Chief Engineer, pursuant to the directions of Hon’ble High Court of Delhi dated 19.12.2014 in the matter of K C Meena V/s UOI & Ors. in WP (C) No. 5356/2014, the case of the contempt petitioner before us, Sh. P C Meena, would also be under the zone of consideration. Learned counsel for the respondents undertakes that the respondents will convene a DPC soon, as per the Hon’ble High Court’s directions, and the third direction of this Tribunal, in a time bound manner, as per the time frame specified by the Hon’ble High Court of Delhi”

4. A reading of the aforesaid paragraphs illustrates that after passing of the order dated 1st July, 2014 in the case of the petitioner in OA No. 3551/2010, there were further developments in form of an order dated 19th December, 2014 passed by the Delhi High Court in Writ Petition (C) No. 5356/2014, ***K.C. Meena versus North DMC and Others***. This order and the directions given therein were quoted in the order of the Tribunal dated 12th March, 2015. The Delhi High Court had given specific directions for preparation of dossiers, etc. for holding of DPC for appointment to the post of the Chief Engineer (Civil). The Tribunal had observed that the observations or direction given in the order dated 1st July, 2014 in OA No.

3551/2010 would now have to be read in light of the directions of the High Court in the order dated 19th December, 2014 passed in W.P. (C) No. 5356/2014, *K.C. Meena versus Union of India and others*. It is obvious that the subsequent directions in the order dated 19th December, 2014 have to be implemented and adhered to as is clear from the observations and findings recorded in paragraph 6. Pertinently, the petitioner had understood the implication and impact of the order dated 19th December, 2014 as is apparent from the concession recorded by the Tribunal in their order dated 12th March, 2015, while disposing of the first contempt petition. In these circumstances, we do not think the petitioner is entitled to fall back on order dated 1st July, 2014 and the Tribunal was justified in dismissing the present contempt petition.

5. Learned counsel for the petitioner has pointed out that the case of the petitioner for regular promotion to the post of Superintending Engineer (Civil) was considered by the Departmental Promotion Committee on 17th December, 2015 and sealed cover procedure was adopted. It is accepted that the petitioner was facing criminal prosecution in a case filed by the CBI, which was decided by a judgment of acquittal dated 22nd December, 2015. The petitioner has already filed OA No. 67/2016 before the Tribunal, which is now listed on 12th August, 2016, where the prayer made is that the sealed cover should be opened.

6. The petitioner submits that the order of the Delhi High Court dated

19th December, 2014 passed in Writ Petition (C) No. 5356/2014, ***K.C. Meena versus North DMC & Others*** is being violated for *ad hoc* promotions are being made to the post of Chief Engineer (Civil). This is a separate matter for which the petitioner may have to invoke and take separate proceedings. We express no opinion on this aspect in this order.

7. In view of the aforesaid discussion, we do not find any merit in the present writ petition and the same is dismissed.

SANJIV KHANNA, J.

NAJMI WAZIRI, J.

**MAY 06, 2016
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