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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 715/2016

UDIT KUMAR

..... Petitioner

Through: Mr. Kartar Singh, Advocate with
petitioner in person.

versus

PUNYA SALILA SRIVASTAVA & ORS

..... Respondents

Through: Mr. Arun Kumar Panwar, Advocate for
Mr. Raman Duggal, Advocate for GNCT
of Delhi.

Dr. Amita Dev, Principal, Mr. B.S.
Rawat and Mr. Naveen Kumar, WSI,
for Department.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

01.09.2016

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Present contempt petition has been filed alleging wilful disobedience of the order dated 14th September, 2015 passed by the National Commission for Scheduled Castes wherein the Commission recommended respondents- Directorate of Technical Education and Training and Government of NCT of Delhi to consider release of twenty-one days salary to the petitioner and also to consider plaintiff's re-engagement to the post of Technical Assistant in the line of other General Category contractual employees.

Learned counsel for petitioner states that respondents have not complied with the aforesaid order till date.

However, today, learned counsel for respondents has handed over a letter dated 31st August, 2016 written by the Deputy Director, Department of Training and Technical Education to Director, National Commission for Scheduled Castes. Along with the said letter, a report of the Department of Training and Technical Education has been enclosed. The relevant portion of the said report is reproduced hereinbelow:-

“On the basis of the documents produced by the complainant, the reply given by Dr. Amita Dev and statements of various other officials it is cleared that Dr.(Smt.) Amita Dev has not used any derogatory language against Sh. Udit Kumar which warrants any action under SC/ST Act. The only fault which appears, may be throwing of file towards Sh. Udit Kumar. However, the statement of Sh. Rajesh Kumar, Peon and Sh. Sharavan Kumar, WSA reflects that the file was apparently thrown by Sh. Udit Kumar initially and it may be reflection of action at by Dr. (Mrs.) Amita Dev. However, being Senior Officer and Head of the Institution such action could have been avoided. The committee therefore, recommends as under:-

- 1. If, the Institute has taken services of Sh. Udit Kumar upto 21.12.2012 and has been paid salary upto 30.11.2012 then his salary for 21 days should be released immediately if not done till date.*
- 2. As per the statement of various officials and Head of Department of the Branch in which Sh. Udit Kumar was deployed, it is cleared that the performance of Sh. Udit Kumar was not satisfactory and therefore it would not be appropriate to give him re-engagement in the department.*
- 3. Dr. (Mrs) Amita Dev may be advised to be careful in future while dealing with fellow employee and should maintain official decorum. ”*

In view thereof, this Court is of the opinion that the order in question stands complied with. If the petitioner has any grievance with regard to the aforesaid report, he is at liberty to challenge the same in accordance with law.

This Court may clarify that the aforesaid order is without prejudice to the fact that this Court in ***Union of India & Anr. vs. National Commission for Scheduled Castes & Anr., W.P.(C) 2390/2012 dated 28th May, 2014*** has held as under:-

“16. This Court is of the opinion that the Commission under Article 338 of the Constitution of India is not an adjudicatory body which can issue binding directions or injunction orders.

17. This Court is of the view that the reports of the Commission are recommendatory in nature and cannot be equated with decrees/orders passed by Civil Courts which are binding on the parties and can be enforced and executed. Commission's reports are not alternative to the hierarchical judicial system envisaged under the Constitution of India.....”

Consequently, present contempt petition is closed.

MANMOHAN, J

SEPTEMBER 01, 2016

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