

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

AND

HON'BLE SMT JUSTICE ANIS

Contempt Case No.132 of 2016

JUDGMENT: (per V. Ramasubramanian, J.)

This contempt arises out of an order passed by a Division Bench of this Court granting two sets of reliefs to the petitioner. The first is to direct the respondents to continue the petitioner in the category of Associate Professor OBG. The second relief granted was to direct the respondents to grant promotion to the petitioner, to the category of Professor OBG, with reference to that date subject to her eligibility in terms of the Rules.

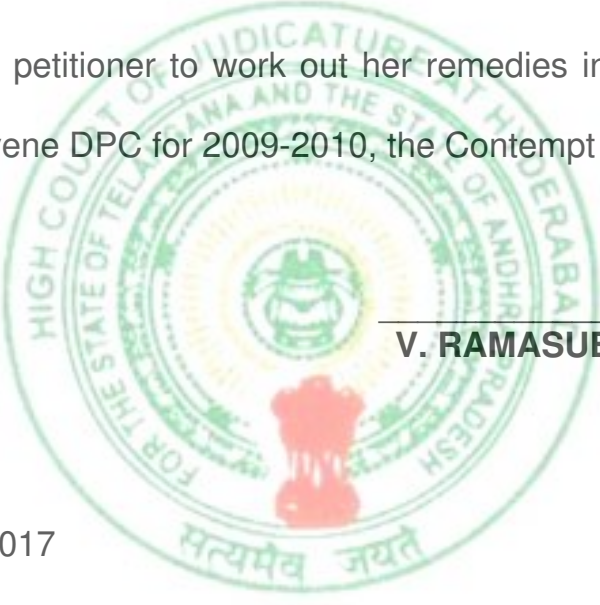
2. Admittedly, one of the two reliefs granted to the petitioner has been implemented in the sense that the petitioner was allowed to continue as Associate Professor OBG. Therefore, at least there is partial compliance with the order passed by this Bench.

3. On the second question the answer given by the respondents in their counter affidavit is to the effect that if the petitioner is construed as Associate Professor with effect from 28-10-2003, she becomes eligible with effect from 01-09-2007 that is the commencement of the Panel Year 2007-2008. But since no panel was prepared for the years 2008-2009 and 2009-2010, the petitioner has been promoted to the post of Professor of OBG for the Panel Year 2010-2011.

4. The contention of Dr. K.L. Narasimha, learned counsel for the petitioner is that as per the Rules, the DPC ought to have been convened every year and that since vacancies were available for

those two Panel Years, the failure of the DPC to sit cannot be put against the petitioner for deciding the question of implementation of a judgment of this Court.

5. There are two questions that would arise. The first is whether there was a violation of the statutory rules and the second is whether there was a wilful disobedience of the direction of this Court. On the first question we may have no difficulty in coming to the conclusion that there was an infraction of the Rules, but on the second question we would hold wilful disobedience cannot be put against them when the review DPC did not meet. Therefore, leaving it open to the petitioner to work out her remedies in respect of the failure to convene DPC for 2009-2010, the Contempt Case is closed.



V. RAMASUBRAMANIAN, J

ANIS, J

Date: 09-03-2017

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