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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 224/2017 & CM APPL. 10651-10652/2017

LACHI RAM SHARMA

Through

..... Petitioner

Mr. Sarvesh Bisaria with Mr. Ashish
Azad, Mr. Nishant Bhardwaj and
Mr. Prakash Chandra Sharma,
Advocates

versus

SANTOSH KUMAR MALL, COMMISSIONER

KENDRIYA VIDYALAYA SANGATHAN & ORS Respondents

Through

Dr. Puran Chand, Proxy Counsel for
Mr. S. Rajappa, Advocate**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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17.03.2017

Present contempt petition has been filed alleging wilful disobedience of the order dated 9th August, 2016, passed by a Division Bench of this Court in W.P.(C) 369/2008 whereby respondents were directed to decide the petitioner's representation for grant of notional benefits within six weeks and if the same was not considered favourably, the evidence recorded by the inquiry officer was to form part of the record.

Further the inquiry officer was directed to consider the existing material as also the evidence which had been recorded pursuant to the direction of this Court and thereafter, give a report within six weeks.

Learned counsel for the petitioner states that the inquiry officer by

asking the petitioner to produce the original documents for inspection has acted in a contemptuous manner.

The Supreme Court in *Sahdeo alias Sahdeo Singh vs. State of Uttar Pradesh & Ors.*, (2010) 3 SCC 705 after referring to the Constitution Bench judgment in *State of Bihar vs. Sonabati Kumar*, AIR 1961 SC 221 has held that the provisions of Contempt of Courts Act, 1971 deal with the wilful defiance of the order passed by the court and order of punishment be not passed if the court is satisfied that the party was, in fact, under a misapprehension as to the scope of the order or there was an unintentional wrong for the reason that the order was ambiguous and reasonably capable of more than one interpretation or the party never intended to disobey the order but conducted himself in accordance with the interpretation of the order.

In the present case, this Court is of the opinion that the order of the inquiry officer is based on a bona fide interpretation of the court order and in accordance with principles of natural justice. Consequently, no charge of contempt can be levelled against the inquiry officer. In any event, if the petitioner is of the view that the inquiry officer has acted contrary to the directions of the Division Bench and if he is aggrieved by the ultimate report of inquiry officer, he can always challenge the said report in accordance with law.

However, this Court is of the view that no interference is required at this stage. It is pertinent to mention that this is the second contempt petition filed by the petitioner after the matter had been remanded to the inquiry officer by the Division Bench. This Court is also of the view that the inquiry officer should be allowed to complete the task without any fear or

interference at this stage.

Consequently, present contempt petition and application are dismissed.

MANMOHAN, J

MARCH 17, 2017

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