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

+ CONT.CAS(C) 436/2017

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Date of decision : 4th July, 2017

MANISH PUSHKALE

..... Petitioner

**Through: Mr. Samrindra Kumar and
Ms. Baby Malik, Advs.**

versus

N.K SINHA & ANR

..... Respondent

**Through: Mr. Rajesh Gogna, CGSC
with Mr. Satya Ranjan
Swain, GP for R-1
Mr. Umesh Sharma, Adv.
for R-2**

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. This contempt petition complains that the directions made in the order dated 10th April, 2017 passed in W.P.(C) 3106/2016 have not been complied with. We extract hereunder the relevant portion of the said order :

“21. Union of India, Ministry of Culture as well as Lalit Kala Akademi shall file detailed counter affidavits explaining as to how the appointment of Dr.Sudhakar Sharma can be justified and further explaining the delay in concluding the disciplinary proceedings initiated against Dr.Sudhakar Sharma.

22. Notice be also issued to Dr.Sudhakar Sharma

in both the writ petitions returnable in four weeks.

23. We direct that the Union of India, Ministry of Culture and Lalit Kala Akademi shall not allow Dr.Sudhakar Sharma to interfere with the administration of Lalit Kala Akademi in any manner whatsoever pending the inquiry against him. We also direct that a full-time Administrator shall be appointed within two weeks from today to take control of the administrative affairs of the Akademi.”

2. The respondent no.3 has filed a status report dated 22nd April, 2017 *inter alia* placing before us the following :

“8. That the Ministry of Culture is committed to comply with the order(s)/direction(s) of this Hon’ble Court in letter and spirit and is informing this Hon’ble Court the steps taken by the Ministry of Culture in the last 5 months in respect of Dr. Sudhakar Sharma.

(i) Dr. Sudhakar Sharma was suspended on 9th Janaury, 2017 by the Ministry of Culture.

(ii) The Central Vigilance Commission directed the Ministry of Culture in January, 2017 to issue a major penalty Charge Sheet afresh to Dr. Sudhakar Sharma.

(iii) The Charge Sheet and Memorandum of Charges were issued to Dr. Sudhakar Sharma on 5th April, 2017.

(iv) Dr. Sudhakar Sharma’s suspension was extended by another 180 days w.e.f. 08.04.2017 till 8th October, 2017.

(v) All irregular decisions/orders taken by Dr. Sudhakar Sharma in the last nine months have since been directed by Ministry of Culture to be revoked and stand cancelled.

(vi) The entire case of Dr. Sudhakar Sharma has also been referred to the CBI for a thorough

investigation in the month of March, 2017.

The documents substantiating the statements made above are annexed herein as Annexure R3-A(Colly).

9. That the above six actions have been taken by the Ministry of Culture against Dr. Sudhakar Sahrma to prevent any further interference by Dr. Sudhakar Sharma in the affairs of Lalit Kala Akademi.

10. That in respect of the appointment of full time Administrator, it is submitted that the Ministry of Culture has already appointed Shri C.S. Krishna Setty as full time Administrator of Lalit Kala Akademi vide order dated 10.10.2016. Copy of the order dated 10.10.2016 is annexed herein as Annexure R3-B.

11. That Shri C.S. Krishna Setty has replaced Shri P.L. Sahu, Joint Secretary in the Ministry of Culture, who was holding the additional charge of Administrator of Lalit Kala Akademi on temporary basis earlier. (Reference – para 13 of the order).”

3. The petitioner complains that the respondents have not reversed all the actions taken by Dr. Sudhakar Sharma, whose appointment was found to be illegal and that therefore, the respondents are in contempt of the order dated 10th April, 2017.

4. Mr. Samrender Kumar, learned counsel for the petitioner submits that para 16 of the order points out the illegal actions taken by Dr. Sudhakar Sharma which have not been reversed by the respondents and therefore, they are in contempt of the orders passed by the court. Para 16 of the order dated 10th April, 2017 only enumerates the acts of Dr. Sudhakar Sharma which were

placed by the petitioner before the court. It does not make any direction to the respondents.

5. In view of the above, we are unable to hold that the respondents are in contempt of the orders dated 10th April, 2017.

6. This petition is devoid of merit and is dismissed. Contempt notices are hereby discharged.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

JULY 04, 2017/kr