

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

CONTEMPT CASE No.1361 OF 2017

ORDER: (ORAL)

(per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, the petitioners seek direction thereby to take cognizance of the contemptuous attitude of the respondents and accordingly summon and punish the respondents under Sections 10 to 12 of the Contempt of Courts Act 1971 read with Article 215 of the Constitution of India for willfully, deliberately and intentionally not implementing the order dated 25.03.2015 passed by this Court in W.A.No.1332 of 2012.

2. The petitioners initially filed W.P.No.34131 of 2011 and other petitioners filed W.P.Nos.5094, 8064 of 2012 before this Court and all the aforesaid petitions were disposed of vide order dated 28.8.2012 by directing the respondents-NTPC to reconsider the cases of the petitioners in the light of their performance in the written test and in the event they qualified in the written examination they shall be considered for appointment in the available vacancies of the posts to which they aspired for. It is further directed that NTPC shall complete this exercise expeditiously and in any event not later than two months from the date of receipt of the order.

3. Being aggrieved, the respondents-NTPC have filed Writ Appeal No.1332 of 2012 along with other appeals before

this Court and the same were dismissed vide order dated 25.03.2015. Thereafter, challenging the same, the respondents have approached the Supreme Court by filing SLP (Civil) No.16900-16907 of 2015 and the same was also dismissed vide order dated 10.07.2015.

4. Since the order dated 28.08.2012 has not been complied with by the respondents therefore the petitioners filed C.C.No.995 of 2015 and the same was withdrawn in the light of the contention raised as to whether contempt proceedings would lie before Single Judge or a Division Bench. Accordingly the contempt case was dismissed as withdrawn by giving liberty to the petitioners to institute fresh contempt proceedings before Division Bench of this Court. Accordingly, the present petition has been filed.

5. Vide the present petition, the petitioners seek direction thereto summon and punish the respondents for not complying the order dated 25.03.2015 passed in W.A.No.1332 of 2012.

6. We note, a Division Bench of this Court, has affirmed the order of the learned Single Judge, vide W.A.No.1332 of 2012 and batch.

7. As per practice of this Court, the contempt petition is to be filed before the Bench whose order has not been complied with. Accordingly, the petitioners filed contempt

petition vide C.C.No.995 of 2015, however, withdrawn with liberty to file contempt before the Division Bench.

8. We note, learned Single Judge passed order in W.P.No.34131 of 2011 dated 28.08.2012, which is affirmed by the Supreme Court, despite, order dated 28.8.2012 has not been complied with. Thus, the contempt lies before the learned Single Judge.

9. Since this is second round of the petitioner in filing the contempt petition therefore we hereby dismiss the present petition by giving liberty to the petitioners to file contempt petition before the Single Judge who passed order dated 28.08.2012 in W.P.No.34131 of 2011 within two (02) weeks from today.

10. We hereby make it clear that delay if any, will not come in the way of petitioner.

11. Accordingly, the Contempt Case is dismissed. No order as to costs.

Miscellaneous Petitions, if any pending, shall stand closed.

SURESH KUMAR KAIT, J.

ABHINAND KUMAR SHAVILI, J.

Date : 16-07-2018

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