

**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH.**

**Date of Decision:-March 6th, 2018**

**COCF No.369 of 2017**

**Dr. Mukul Gupta.**

.....Petitioner.

Versus

**Mr. Malay Mukherjee & Ors.**

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH**

Present:- Mr. Vivek Kohli, Advocate with  
Mr. J.S. Bhatia, Advocate &  
Ms. Aastha Chawla, Advocate for the Petitioner.

Mr. Rajiv Atma Ram, Senior Advocate assisted by  
Mr. Manish Jain, Advocate and  
Mr. Rajat Arora, Advocate for the respondents.

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**JASWANT SINGH, J.(ORAL)**

This petition is filed under Sections 10 & 12 of the Contempt of Courts Act, 1971 (for short the 1971 Act) for the alleged willful disobedience of orders dated 10.03.2015, 29.03.2015 (Annexure P-1 Colly) passed in CWP No.4177 of 2015 and orders dated 10.06.2015, 21.10.2015 (Annexure P-2 Colly) passed by Hon'ble Division Bench in LPA No.892 of 2015.

The grievance of the petitioner is that during the pendency of the writ petition as well as the LPA filed on behalf of the petitioner,

respondents were restrained from appointing any person as the Director of the MDI Institute. Still, it is the allegation of the petitioner that in the willful disobedience of the orders stated above, Shri C.P. Shrimali has been confirmed as the full-fledged Director and further respondent no.5 i.e. Dr. Jaydeep Mukherjee has been appointed as a professor (Marketing) with a different nomenclature of Associate Professor who is receiving the remuneration of Professor. Thus, it is alleged by the petitioner that respondents have bypassed the orders passed by the Writ Court as well as LPA Bench and are therefore, in contempt.

Upon notice, respondents have filed their detailed reply, whereby it is stated that Sh. C.P. Shrimali has been appointed as Acting Director to look after the day to day functioning/working of the Institute and the post of Director still lies vacant. As far as the apprehension of the petitioner that respondent no.5-Jaydeep Mukherjee has been appointed as Professor (Marketing) against the vacancy of the petitioner is concerned, it is stated that said apprehension is also misplaced, as the same is still vacant in compliance of the orders passed by Writ Court as well as LPA Bench. It is further stated that respondent no.5 has been promoted as Professor by the institute under "Career Progression Scheme" as approved by the Board of Governors, on a completely different post, from the post which was held by the petitioner, namely, Professor Mukul Gupta. However, it has been stated that the post of Professor (Marketing) still lies vacant and as per the

orders passed by the Hon'ble Court, the said post was to be kept vacant. Since respondent no.5 has been promoted as a Professor in terms of the “Career Progression Scheme” and the post which Professor Mukul Gupta was holding, still lies vacant, it is urged that no contempt is made out.

Learned Counsel for the parties have been heard, who have reiterated their arguments as per the stand taken in the pleadings.

It is not in dispute that prior to the filing of the present contempt petition, the petitioner had filed contempt petitions bearing No.2642 of 2015 as well as 2609 of 2016. In the said petitions, the cause of action was that Sh. C.P. Shrimali has been appointed as the Director of the Institute, in complete violation of the aforesaid orders passed by Writ Court as well as LPA Bench. However, on due appreciation of the record, it was found that the said contentions were completely misdirected, as respondent no.3-Sh. C.P. Shrimali was appointed as an “Acting Director” and not as the “Director” as urged therein. Further, it was also observed in the order dated 14.03.2017 passed in COCP No 2609 of 2016 that there cannot be any Contempt of Court until and unless there is an order passed by the respondent-Institute appointing any person either as Director or Professor (Marketing).

Even today, learned Counsel for the petitioner has not been able to show a single document from which it can be inferred that any person has been appointed either as a Director of Institute or Professor

(Marketing). The salary that is being drawn by the respondent no.5- Jaydeep Mukherjee, has been duly explained by the respondents, whereby it is found that under the “Career Progression Scheme”, he was promoted as Professor, however, not as Professor (Marketing) as alleged by the petitioner qua which there is a stay in operation.

In view of categoric stand taken by the respondents, I do not find any merit in the present contempt petition, which is hereby dismissed.

Rule stands discharged.

( JASWANT SINGH )  
JUDGE

March 6<sup>th</sup>, 2018  
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| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |