

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

Date of Order: November 15, 2018

+ **CONT. CAS. (C) 518/2002**

+ **CONT. CAS. (C) 192/2008**

+ **CONT. CAS. (C) 125/2009**

SADACHARI SINGH

.....Petitioner

Through: Ms. Amiy Shukla and Mr. Shakti
Vardhan, Advocates

versus

SHASHI MISHRA & ORS.

DR. MANGALA RAI & ORS.

DR. MANGALA RAI & ORS.

.....Respondents

Through: Mr. S.S. Lingwal, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. In the above captioned three petitions, non-compliance of various interim orders in W.P. (C) 3792/2002 is alleged. With the consent of learned counsel for the parties, these three petitions have been heard together and are being decided by this common order.

2. Vide interim order of 30th September, 2002 respondents were directed to allow petitioner to participate in the interview. In the reply filed by respondents, it is asserted that upon receipt of fax message from the Headquarters, i.e. ICAR, on 1st October, 2002 in noon time, petitioner

was searched by the Controller of Examination and the Dealing Assistant but he was not traceable. It is a case of petitioner that he was very much present. In the interim order of 7th January, 2003, it is noted that respondents are not contemplating the abolition of post of Assistant Director General (Engg.), Indian Council for Agricultural Research (ICAR). Even in the reply to the contempt petition, respondents maintain that they have no proposal to abolish the said post. Learned counsel for respondents submits that the said post is still lying vacant.

3. As per order of 12th January, 2007, respondents had disclosed to the Court that petitioner's application for two posts is being considered and petitioner has been shortlisted. The grievance of petitioner is that it has not been so done. In the reply filed by respondents, it is maintained that proceedings for imposition of major penalty was initiated against petitioner vide order of 12th July, 2007 and petitioner was infact considered for the post of Asstt. Director General (Engg.), ICAR HQ, New Delhi, on 15.11.2006/9.8.2006 respectively and also for the post of Director Central Arid Zone Research Institute, Jodhpur, on 14.10.2006/7 & 8 August, 2006. Petitioner was also called for the interview for the post of Project Director (DIPA) ICAR HQ, New Delhi, on 26.4.2007/2.4.2007 to 4.4.2007 and the marks obtained have been also disclosed by respondents in the affidavit of 3rd September, 2007. It is also submitted on behalf of respondents that the disciplinary proceedings initiated against petitioner were challenged by petitioner by filing O.A. bearing No. 392/2006 before the Central Administrative Tribunal, New Delhi and is pending adjudication before the Tribunal.

4. During the course of hearing, it was brought to notice of the Court that alleged non-compliance of the interim orders in the writ petition, pales into insignificance as the writ petition already stands dismissed.

5. Upon hearing and on perusal of orders of which non-compliance is alleged, I find that there has been no wilful disobedience of the afore-referred interim orders by respondents. In fact, substantial compliance of the afore-referred interim orders has been done by respondents. In the considered opinion of this Court, no case for initiating contempt proceeding against respondents is made out.

Accordingly, these three petitions are dismissed.

(SUNIL GAUR)
JUDGE

NOVEMBER 15, 2018

v