

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 373 of 2020

Kumar Rajiv Ranjan S/o Late Mithlesh Kumar Sinha Aged About 56 Years
R/o - D/26, Nehru Shatabdi Nagar, Behind SECL HQ, Seepat Road, Police
Station Sarkanda, District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. Shri (Dr.) C Chandravanshi Secretary, Ministry Of Personnel, P. G. And Pensions, Address - Department Of Personnel And Training, North Block, New Delhi - 110001
2. Shri K.D. Tripathi, Chairman P.E.S.B., Address -502, Block No. 14, Public Enterprises Bhavan, CGO Complex, Lodhi Road, New Delhi - 110003.
3. Shri Kimbuong Kipgen Secretary, Public Enterprises Selection Board, Address - Public Enterprise Bhavan, Block No. 14, CGO Complex, Lodhi Road, New Delhi, 110003.
4. Shri Anil Kumar Jain Coal Secretary, Address - Dr. Rajendra Prasad Road, New Delhi, 110001
5. Shri Vinod Kumar Tiwari Additional Coal Secretary, Ministry Of Coal, Address - Shashtri Bhavan, New Delhi, 110001.
6. Shri Pramod Agarwal Chairman, Coal India Limited, Address - Coal Bhavan Premise No. 04 Mar, Plot No. AF - III, Action Area - 1A, Newtown Rajarhat, Kolkata - 700156.
7. Shri Ram Prakash Shrivastava Director, (Personnel And I.R.), C.I.L., Address - Coal Bhavan, Premise No. 04 MAR, Plot No. - AF - III, Action Area - 1A, Newtown, Rajarhat, Kolkata 700156.

---- Respondents

For Petitioner : Shri Harshwardhan Parganiha, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

10/06/2020

Heard.

1. Instant contempt petition has been filed for flouting the order dated 2/01/2020 passed in WPS No.10800/2019 wherein following orders were passed:-

“Learned counsel for the petitioner would submit that issue pertains to selection and appointment of the Director. It is contended that as per the direction of the Supreme Court dated 06/04/2018 in case of State of Meghalaya Vs. Phikirbha Khariah the court has observed as under:-

“We have recently dealt with such a matter in Avinash C. and Ors. v. The State of Karnataka & Ors., C.A. NO.3543-3555 of 2018, decided on 4.4.2018. We are of the view that for the purity of selection to the public posts, it is desirable that as far as possible the selection process conducted by the selection bodies, especially the State Public Service Commissions and the State Selection Boards, is videographed. It is desirable that at examination centres as well as interview centres CCTV cameras are installed to the extent viable. Footage thereof may be seen by an independent committee of three members and report of such committee may be placed on the website concerned.

The Registry is directed to send a copy of this order to Department of Personnel and Training (DoPT), Ministry of Personnel, Public Grievances and Pensions, for being forwarded to the concerned authorities for compliance.”

It is stated that despite such direction issued same is not being followed and by way of pick and choose method selection are being done.

Per contra, learned counsel for the respondents would submit that all the transparency have been maintained and he seeks time to obtain instruction.

Learned counsel for the respondents may file reply to the main petition as

also to the application for grant of interim relief.

Perused the order of the Supreme Court.

Since serious averments have been made and the direction of the Supreme Court as *per se* exist, till it is satisfied that they are followed, it is directed that appointment to the post of Director in the CIL shall not be finalized till the next date of hearing.

List the case after four weeks.”

2. Learned counsel submits that thereafter the appointment have been made by Annexure C-3.
3. Perusal of order dated 2/01/2020 would show that it was conditional order was subject to satisfaction in the writ petition as to whether the order of the Supreme Court in Avinash C. and Ors. v. The State of Karnataka & Ors has been followed or not. Therefore the issue as to whether such direction of Supreme Court was followed or not has to be adjudicated in WPS No.10800/2019. The order of appointment dated 25/02/2020 engrafts the condition that appointment of Shri Bimlendu Kumar is subject to final outcome of WPS No.10800/2019.
4. In view of this as appears that this petition is premature. The appointment of Bimlendu Kumar and his appointment is still to be tested in WPS No.10800/2019 whether in such appointment direction of the Supreme Court in State of Meghalaya Vs. Phikirbha Khariah have been followed or not. The petitioner shall be at liberty to make a mention of WPS No.10800/2019.
5. Accordingly, the contempt petition is dismissed as premature.

Sd/-

(Goutam Bhaduri)
Judge