

Case :- CONTEMPT APPLICATION (CIVIL) No. - 1586 of 2020

Applicant :- Harish Chandra And 2 Others

Opposite Party :- Arun Kumar, Ips, Director General, Railway Protection Force And Another

Counsel for Applicant :- Shishir Kumar Dwivedi, Shruti Dwivedi

Counsel for Opposite Party :- Ashok K Pandey

Hon'ble Ashwani Kumar Mishra, J.

Heard learned counsel for the petitioners and Sri A.K. Pandey for the respondents.

This contempt petition has been filed alleging non-compliance of the order dated 2.8.2019/ 26.8.2019, passed by this Court in Writ Petition No. 37638 of 2017.

It would be appropriate to extract relevant directions issued by the writ court, disobedience of which is alleged:-

"It is admitted that junior Constables to the petitioners, who had less than five years of service, have been given their choice of preference, whereas, the petitioners who were much senior and completed five years of service were ignored.

In view thereof, the impugned order dated 23 April 2017, passed by the second respondent-Director General, Railway Protection Force, Railway Board is set aside and quashed. It is provided that the petitioners transfer/placement shall be considered strictly under Standing Order No.102 as per their choice (O.M.R.) and seniority, provided, vacancies of Constables RPF are available in the preferred Zone, as on date."

A compliance affidavit has been filed by the opposite parties stating therein that the claim of the petitioners has been examined but as there exists no vacancy in the concerned zone as such it is not possible to accept their claim.

Order passed by the Government of India, Ministry of Railways dated 11.1.2021 has been annexed, wherein it is categorically stated that no vacancy exists in the zone where the petitioners are seeking continuance and that persons senior to petitioners have occupied all existing vacancies. Learned counsel for the petitioners submits that this finding is incorrect and that various vacancies are still available.

Although by filing a counter to the the compliance affidavit opposite parties are trying to dispute the averments made in the aforesaid order but this Court is not inclined to enter into all such factual issues for the first time, in exercise of contempt jurisdiction. In case petitioners are aggrieved by the order dated

11.1.2021 their remedy would be to challenge it before the appropriate forum.

Leaving it open for the petitioners to pursue their remedy in terms of the above observations, this contempt petition is consigned to records.

Order Date :- 30.6.2021

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