

CONTEMPT PETITION NO. 01/NB/DB/2023

Dr. Sunil Katiyar

Vs.

Sri Shailesh Bagoli & others

Dated: 27.07.2023

Present: Sri B. D. Upadhyay, Senior Advocate, assisted by
Sri Tushar Upadhyay, Advocate for the petitioner
Sri Kishore Kumar, A.P.O. for the respondents No. 1 & 2

Separate compliance affidavits have been filed on behalf of the Contemnors No. 1 & 2, which are taken on record.

Learned Counsel for the petitioner argues that the representation of the petitioner has been decided vide order dated 14.07.2023, while the D.P.C. was conducted earlier on 30.06.2023. Since the representation of the petitioner against the entries was undecided on 30.06.2023 these entries should not have been considered in the D.P.C. held on 30.06.2023 in the spirit of order of this Tribunal dated 21.11.2022.

Learned A.P.O. submitted that the representation of the petitioner was earlier decided on 24.02.2023, subsequent to which contempt petition has been filed. In pursuance of this Tribunal's order dated 05.06.2023 passed on the contempt petition, the office memorandum/disposal of the representation dated 14.07.2023 has been issued

Learned Counsel for the petitioner submits that the contemnor No. 1 in the order dated 14.07.2023 has based his decision only on comments of reporting/reviewing/accepting authority and not considered the points raised in the representation of the petitioner.

Learned A.P.O. submits that whether such consideration should have been made in the order is a fresh cause of action and can be the subject matter of a fresh claim petition. But in the exercise of contempt jurisdiction, the Contempt Court cannot go into such merit of the order.

Though we agree to this contention of the learned Counsel for the petitioner that the contemnor No. 1 should not have confined the

disposal of the representations to the comments of reporting/reviewing/accepting authority alone and should have considered the points raised in the representations and taken suitable decisions on the same by passing reasoned and speaking order, we feel that now there is no wilful disobedience of the orders of this Tribunal and, therefore, contempt notices should be discharged.

Contempt petition is hereby closed and notices issued to the contemnors No. 1 & 2 are hereby discharged.

RAJENDRA SINGH
VICE CHAIRMAN (J)
BK

RAJEEV GUPTA
VICE CHAIRMAN(A)