
(2011) 11 AHC CK 0141
In the Allahabad High Court
Case No : Writ C. No. 60899 of 2011

Indrajeet Singh Yadav

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 23-11-2011

Acts Referred:

Citation : (2011) 11 AHC CK 0141

Hon'ble Judges : Sudhir Agarwal, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Hon''ble Sudhir Agarwal, J.—Pursuant to this Court's order dated 2.11.2011, Sri Sandeep Salunke, Secretary, Home, is present and has also filed personal affidavit.

2. A perusal thereof shows that though this Court passed a judgment as long back on 3.4.2006, directing State Government to consider and dispose of petitioner's application moved for renewal of firearm licence (subject matter of writ petition) within a period of two months from the date a certified copy is served, no decision was taken by State Government and the matter remained in cold storage upto 2009. Thereafter when petitioner moved an application under Right to Information Act seeking status of his application and the compliance of this Court's order, he was informed by Under Secretary and Public Information Officer, U.P. Government, Home Department by letter dated 17.12.2009 that District Magistrate is being directed to take appropriate decision in the matter in compliance of Court's order dated 03.4.2006. The District Magistrate thereafter sent the matter back to Government by letter dated 28.6.2010 stating that this Court had directed State Government to pass appropriate order and thereafter nothing was done at the level of State Government.

3. In the personal affidavit filed by present Home Secretary Sri Salunke, he only said that he had directed District Magistrate concerned to inform about the

officers responsible for disobedience of Court's order.

4. This letter is clearly a sheer eye wash for the reason that this Court issued a mandamus to the State Government to take a decision. No attempt was made by respondent No.1 to seek correction/modification/amendment in the Court's order dated 3.4.2006 and apparently the said order was passed in presence of learned Standing Counsel representing the State Government. Even if State Government was of the view that appropriate order could have been passed by District Magistrate, it could have directed District Magistrate to take appropriate decision well in time but on its part it kept the matter unattended for more than three years and it is only when the petitioner moved an application under Right to Information Act, a formal letter dated 17.12.2009 was issued informing the petitioner that District Magistrate is being directed to take an appropriate decision with endorsement directing District Magistrate to do so and State Government thereafter sit tight as if its responsibility is over. The District Magistrate in its turn sent the matter back to the State Government but then again nothing was done on the part of respondent No.1 till this Court required Home Secretary to appear before this Court and explain the lapse/laches/inaction in the matter.

5. I am informed that from the date this Court's order dated 3.4.2006 was communicated to the State Government till December, 2009, following officers held the office and functioned as Home Secretary, who are responsible for total inaction in the matter:

1.

From 06.03.2006 to 07.05.2006

Sri Jagannath Singh

2.

From 08.05.2006 to 16.07.2006

Sri R.K.Tiwari

3.

From 17.07.2006 to 21.06.2007

Sri Arun Kumar Sinha

4.

From 22.06.2007 to 11.08.2008

Smt. Renuka Kumar

5.

From 12.08.2008 to 29.01.2009

Sri JavedAkhtar

6.

From 30.01.2009 to 17.06.2009

Sri Javeed Ahmad

7.

From 18.06.2009 to 31.12.2009

Sri Anand Kumar

6. However, nothing has been informed as to who are the officers responsible for inaction after the matter was sent back by the District Magistrate by letter dated 28.6.2010 till date.

7. Sri C.S. Singh, learned Additional Chief Standing Counsel at this stage requested that he may be allowed some opportunity to seek instructions from State Government and apprise this Court about action taken, if any, against responsible officials for such lapses/inaction. The inaction on the part of responsible officials also constitute prima facie contempt of this Court but before taking any further action in the matter, I find it appropriate to grant two weeks" time to learned Addl. Chief Standing Counsel to file appropriate affidavit and also to place on record the facts relating to action, if any, taken against the officials for total inaction and defiance of this Court's judgment dated 3.4.2006 in Writ Petition No.18078 of 2006

8. List this matter for further orders on 14th December, 2011.

9. Personal appearance of Secretary, Home, Government of U.P., Lucknow is exempted until required otherwise.

10. A copy of this order shall be made available to the learned Addl. Chief Standing Counsel by tomorrow for information and compliance.