

(2022) 05 DEL CK 0331

In the Delhi High Court

Case No : CONT.APP.(C) No. 12 Of 2022, Civil Miscellaneous Application No. 23396-97 Of 2022

Ravinder Yadav

APPELLANT

Vs

Puneet Kumar Goel & Anr.

RESPONDENT

Date of Decision : 18-05-2022

Acts Referred:

Citation : (2022) 05 DEL CK 0331

Hon'ble Judges : Suresh Kumar Kait, J;Saurabh Banerjee, J

Bench : Division Bench

Advocate : Mukesh Gupta, Raghav Gupta

Final Decision : Dismissed

Judgement

1. The present appeal has been filed by the appellant, primarily, seeking passing of exemplary orders against the respondents for filing false and fabricated affidavits/status reports dated 23.09.2019, 11.03.2020 and 11.08.2020 without providing the advance copies of affidavits/status reports by considering the CRLM No.7164/2021 filed by the appellant u/s 340 of Cr.P.C. against respondents; directions to respondents to update the full particulars of sanitation workers on the website of respondents in compliance of order dated 28.06.2017 passed in W.P. (C) 8917/2015 and order dated 01.11.2017 passed in W.P.(C) 9503/2017; exemplary order against the Mr. Sunil Gahlot, Ex. Engineer, Mr. KK Yadav, AE and Mr. Mukesh Meena, JE Maintenance-1 of SDMC, Najafgarh for making the payment of roads on 07.03.2017 before the construction of few roads in appellant's colony and using substandard material and role of Mr. Rohit Gahlot, P.A. of MLA, Najafgarh and compensation for not constructing the 6-7 roads in appellant's colony till now and harassing the appellant at every forum of law.

2. The present appeal has been filed on the ground that learned Single Judge has disposed of the contempt case, i.e. in CONT. CAS(C) 426/2018 in the favour of respondents without deciding the CM No.17191/2020 and CRLM No.7164/2021 filed u/s 340 of Cr. P.C. for making false and fabricated submissions before this

Court and for making the payment of roads on 07.03.2017 before filing the writ petition, i.e. W.P. (C) 9503/2017 and before construction of roads i.e. 23.11.2017.

3. Appellant appears in person and submits that the learned Single Judge rejected rejoinder dated 10.09.2020 filed in CM No.17191/2020 and rejoinder dated 14.09.2020 in main case, i.e. CONT. CAS(C) No.426/2018, filed by the appellant and passed the order dated 27.04.2022 in favour of Officers of SDMC and Najafgarh MLA's officers/staff and role of registry staff of this Court for accepting status reports dated 23.09.2019 and 11.03.2020 and affidavit dated 11.08.2020 without serving advance copy to appellant.

4. The fact that the contempt petition was filed for non-compliance of order dated 01.11.2017 is apparent therefrom, relevant portion of the same is as under:

"5. The SDMC shall ensure compliance with our directives regarding giving the public information of the particulars of the sanitation workers and their duty roster. The SDMC shall also notify the residents of Delhi with regard to the time between which they would be permitted to throw the garbage in the dhalao as well as the time at which the municipal vehicles would be clearing the dhalao.

6. In case the writ petitioners have any difficulty regarding working of the schedules or the performance of any sanitation worker, they shall make a complaint to the Deputy Commissioner, MCD. The MCD shall deal with the complaint and take prompt action preferable within a period of one week of the receipt of the complaint. The action taken on the complaint shall be communicated to the complainant.

7. So far as the second prayer of the writ petitioners regarding the road repair work is concerned, the SDMC shall also look into the grievance of the petitioners to ensure that the same is addressed at the earliest."

5. Accordingly, status report was filed by the respondent/SDMC wherein it had been stated that in compliance to the directions of this Court regarding public information of the particulars of the sanitation staff etc., the details of the sanitation workers along with their duty roster, the time of reporting for the duty are being pasted on the walls of the colony. The status report stated that the directions regarding the time during which the residents are allowed to throw out garbage cannot be given because the residents are directed to throw the garbage in the dhalaos which are kept open to sky and the general public throw their garbage at any time as per their convenience. It was also stated that no time can be fixed for the municipal vehicles for cleaning these dhalaos due to shortage of vehicles/drivers etc. It was further stated that so far as the written complaints of the petitioner/residents regarding sanitation and the absence of sanitation staff etc are received, the same shall be redressed immediately. The respondent/SDMC had also filed the roster of the sanitation workers who have been deployed for carrying sanitation and cleaning activities. It was also stated that the work of cleaning of the dhalaos have been given to the concessionaire/contractors by the

name of DWMN. It was stated that about 34 Sanitation workers have been deployed sweeping roads, cleaning of drains, silt collection, posting at dhalao etc.

6. It is pertinent to mention here that an application was filed by the SDMC for modification of paragraph No.7 of the order dated 01.11.2017. The Co-ordinate Bench of this Court vide order dated 22.09.2021 modified the said order which reads as under:

"13. The South Delhi Municipal Corporation has preferred CM Application No. 1576/2021 for modification of the aforesaid directions given in para 7 of our judgment and order dated 01.11.2017, to the effect that South Delhi Municipal Corporation has not to carry out the work in question. Learned counsel appearing for the South Delhi Municipal Corporation has relied upon Annexures R-5 & R-6 to the memo of this application and submitted that the work in question is to be done by Irrigation and Flood Control Department of Government of NCT of Delhi and by Delhi State Industrial and Infrastructure Development Corporation (DSIIDC). 14. It is further submitted by the learned counsel appearing for South Delhi Municipal Corporation that as the work in question is to be completed by the aforesaid two authorities, let a suitable direction be given to both of them. Hence, to that extent direction given in para 7 of the judgment and order dated 01.11.2017 in W.P.(C) 9503/2017 be modified."

7. In view of above, learned Single Judge observed that since the contempt petition was filed prior to the modification of the order dated 01.11.2017, nothing survived in the matter and hence, the contempt petition was disposed of.

8. Learned Single Judge has also observed that in case the petitioner has further grievance regarding the non-compliance of the order dated 22.09.2021, it is always open to the petitioner to take all such remedies as may be available to him in accordance with law.

9. On perusal of the impugned order dated 27.04.2022 and the observation made by learned Single Judge after submission of the roster of sanitation workers, we find no illegality and perversity in the impugned order.

10. Finding no merit in the present appeal, the same is accordingly dismissed.

11. Pending applications also stand disposed of.