

(2010) 10 UK CK 0137
In the Uttarakhand High Court
Case No : Contempt Appeal No. 3 of 2010

Shyam Singh Pundir

APPELLANT

Vs

Mahant Devendra Dass, Secretary, Management Committee,
Sri Guru Ram Rai Post Graduate College and Another

RESPONDENT

Date of Decision : 21-10-2010

Acts Referred:

Citation : (2010) 10 UK CK 0137

Hon'ble Judges : Prafulla C. Pant, J;Nirmal Yadav, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Prafulla C. Pant, J.—This appeal is directed against judgment and order dated 23.09.2010 passed by learned Single Judge in Civil Contempt Petition No. 157 of 2010, whereby the Civil Contempt Petition was dismissed.

2. The grievance of the Appellant/writ Petitioner is that Respondent did not comply the order dated 02.08.2010 passed by learned Single Judge of this Court in Writ Petition No. 595/2010(S/S). By the said order dated 02.08.2010, this Court had directed to the Committee of Management to decide the representation dated 16.07.2010 made by the Petitioner. The writ Petitioner made an application on 09.08.2010 to the Secretary of the College through Principal to take the decision on his representation dated 16.07.2010. The Principal of the College, vide letter dated 20.08.2010 informed the writ Petitioner, with reference to his letter dated 09.08.2010 that on the representation of the Petitioner instructions were sought from the Deputy Director, Higher Education, and college was informed that since no vacancy in class III post is available for promotion from class IV to class III post, as such Petitioner's case for promotion to the post of class III can not be considered.

3. Learned Counsel for the Appellant/Petitioner argued before this Court that as per Court's direction, the Committee of Management had to take the decision in

the matter and communication made by the Principal can not be said to be the compliance of the order.

4. In reply of above argument, learned Counsel for the Respondents submitted that Principal is an Ex-officio member of the Committee of the Management under para/Regulation 13.05 of the Statute of the University applicable to the college. It is further pointed out that the communication was made by the Principal on behalf of the Committee of the Management.

5. Learned Counsel for the Appellant states that in view of the reply given by the learned Counsel for the Respondent, as mentioned above, he does not want to press this appeal and he may be permitted to withdraw the same.

6. The appeal is dismissed as withdrawn as prayed by the Appellant.