

(2010) 09 UK CK 0085
In the Uttarakhand High Court
Case No : Clcon No. 157 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 : 23-09-2010

Acts Referred:

Citation : (2010) 09 UK CK 0085

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Sudhanshu Dhulia, J.—Heard learned Counsel for the petitioner.

2. This contempt petition has been filed by the petitioner against the respondent stating that the order dated 2.8.2010 passed by the learned Single Judge of this Court in Writ Petition No. 595 of 2010 has not been complied with. He states that he is a Class IV employee in Sri Guru Ram Rai Post Graduate College and is not being promoted to Class III post although such vacancies exist. While disposing of the writ petition filed by the petitioner on 2.8.2010, the learned Single Judge of this Court had given the following directions:

In the facts and circumstances of the case, it would be appropriate in the interest of justice that a direction be given to the respondent No. 4 i.e. Management Committee, Sri Guru Ram Rai Post Graduate College, through its Secretary to take decision on the representation dated 16-07-2010 of the petitioner, expeditiously as far as possible, preferably within a period of two weeks from the date of production of certified copy of this order, no selection in pursuant of the impugned advertisement be made, if the selection has not been made till today, till the decision taken on representation dated 16-07-2010 of the petitioner.

3. Petitioner now states that though his representation has been decided, but the same has been decided by the Principal of the College and not by the Secretary,

Management Committee, Sri Guru Ram Rai Post Graduate College. Vide order dated 2.8.2010, as referred above, this Court did not specifically direct the Secretary to decide the representation of the petitioner. Moreover, even if it is assumed for the sake of argument that the Managing Committee was only being represented by the Secretary, therefore, it was deemed that the representation was to be decided by the Secretary itself. Since now the representation has been decided by the Principal of the College and explanation on behalf of the college as to why the petitioner cannot be promoted has been given which states that there is no vacant post of Class-III, which can be filled by way of promotion from Class-IV post. Sufficient compliance seems to have been done. Moreover, no prejudice seems to be caused to the petitioner, nor does it give him any reason to file this contempt petition. The Court does not take into consideration trivialities and minor mistakes in a contempt proceedings. Since by and large the order of this Court has been complied with and no prejudice has been caused to the petitioner whether the representation has been disposed of by "A" or "B", this Court does not find it a fit case where even a notice be sent to the respondents.

4. The instant contempt petition is totally devoid of merit and is liable to be dismissed and is hereby dismissed.

5. No order as to costs.