
(2004) 09 AHC CK 0306
In the Allahabad High Court

Sri Mahesh Chandra

APPELLANT

Vs

Sri Kashi Nath Khanna, District Inspector of Schools, Sri
Devaki Nandan Goel, Accounts Officer, Smt. Gomti Devi,
Manager Committee of Management, Thakur Biri Singh Inter
College and Sri Ravi Kumar Singhal, Principal, Thakur Biri
Singh Inter College

RESPONDENT

Date of Decision : 01-09-2004

Acts Referred:

Contempt of Courts Act, 1971 — Section 10, 3

Citation : (2004) 09 AHC CK 0306

Hon'ble Judges : S.P. Mehrotra, J

Bench : Single Bench

Judgement

S.P. Mehrotra, J.—The present contempt petition purporting to be under Sections 3 and 10 of the Contempt of Courts Act, 1971 has been filed, interalia, praying for initiating contempt; proceedings against the opposite parties for the alleged disobedience of the order dated 14.11.1994 passed by this Court in Civil Misc. Writ Petition No. 35105 of 1994.

2. It is, interalia, stated in the affidavit accompanying the contempt petition that for the redressal of his grievances, as detailed in the said affidavit, the petitioner/applicant filed the aforesaid Civil Misc. Writ Petition No. 35105 of 1994 before this Court; and that the said writ petition was finally disposed of by this Court by its order dated 14.11.1994, interalia, permitting the petitioner/applicant to make representation before the District Inspector of Schools, Firozabad within a period of three weeks from the date of the said order dated 14.11.1994, and further directing the District Inspector of Schools to dispose of the said representation within the period mentioned in the said order dated 14.11.1994.

3. Copy of the said order dated 14.11.1994 passed in the aforementioned writ petition has been filed as Annexure-6 to the affidavit accompanying the contempt petition.

4. The said order dated 14.11.1994 passed in the said writ petition is quoted below:

The petitioner has stated that he was appointed as Assistant Clerk in Thakur Biri Singh Inter College, Firozabad in 1990 and he was being paid salary by the management from its own fund. Subsequently from July 1994, the payment has been stopped and he has not been allowed to work.

On the fact and circumstances of the case, I direct that the petitioners may make a representation before the District Inspector of School, Firozabad and if he does so within a period of three weeks from today alongwith certified copy of this order the same shall be disposed of by a speaking order within six weeks thereafter.

With the aforesaid observation the writ petition is finally disposed of.

5. It is, interalia, further stated in the affidavit accompanying the contempt petition that a certified copy of the said order dated 14.11.1994 was served upon the District Inspector of Schools, Firozabad alongwith a detailed representation by means of a covering letter dated 22.11.1994, which was served upon the District Inspector of Schools, Firozabad on 24.11.1994? and that, thereafter, further reminders were sent to the District Inspector of Schools, Firozabad; and that the District Inspector of Schools, Firozabad had not complied with the directions given in the said order dated 14.11.1994.

6. By the order dated 13.1.1995 passed on the contempt petition, notices were directed to be issued to the opposite parties Nos. 1,2,3 and 4.

7. In response to the notices issued pursuant to the said order dated 13.1.1995, the opposite parties Nos. 1,2,3, and 4 put in appearance and filed their separate counter affidavits.

8. It is, interalia, stated in paragraphs 8,25,27 and 29 of the counter affidavit of Kashi Nath Khanna (opposite party No. 1), sworn on 2.3.1995, that the representation of the petitioner/applicant, as per the directions given in the said order dated 14.11.1994, had been disposed of by the opposite party No. 1 by the order dated 28.1.1995. Copy of the said order dated 28.1.1995 has been filed as Annexure-CA-1 to the said counter affidavit.

9. Reasons for the delay in complying with the directions given in the said order dated 14.11.1994 are also evident from the averments made in the said counter affidavit, and it is apparent that the delay in complying with the directions given in the said order dated 14.11.1994 was neither wilful nor deliberate.

10. Similar averments have been made by Deoki Nandan Goel (opposite party No. 2) in his counter affidavit, sworn on 24.3.1995.

11. Smt. Gomti Devi (opposite party No. 3) in her counter affidavit, sworn on 15.3.1995, and Dr. Ravi Kumar Singhal (opposite party No. 4) in his counter affidavit, sworn on 2.3.1995, have also made similar averments regarding

disposal of the representation of the petitioner/applicant by the opposite party No. 1 by the said order dated 28.1.1995.

12. No rejoinder affidavit appears to have been filed on behalf of the petitioner/applicant in reply to the aforesaid counter affidavits.

13. There is, thus, no reason to doubt the correctness of the averments made in the said counter affidavits.

14. From the narration of the facts above, it is apparent that the directions given in the said order dated 14.11.1994 passed in the aforementioned Civil Misc. Writ Petition No. 35105 of 1994 have been complied with by the opposite party No. 1. The delay in complying with the directions given in the said order dated 14.11.1994, as noted above, was neither wilful nor deliberate.

15. Hence, in my opinion, the opposite parties cannot be held guilty of having committed contempt of this Court, and the show-cause notices issued to the opposite parties are liable to be discharged.

16. The show-cause notices issued to the opposite parties on the contempt petition are accordingly discharged.

17. The contempt petition stands disposed of accordingly.