

(2021) 03 UK CK 0153
In the Uttarakhand High Court
Case No : Contempt Petition No. 92 Of 2021

Yashpal Singh Gangwar

APPELLANT

Vs

Mukesh Mohan

RESPONDENT

Date of Decision : 23-03-2021

Acts Referred:

Citation : (2021) 03 UK CK 0153

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Sachin, Pradeep Hariya

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. This Contempt Petition has been filed alleging willful disobedience of the order dated 03.12.2020 passed by Writ Court in WPSS No. 2043 of 2019. Operative portion of the said judgment is reproduced below:

"Considering the facts and circumstances that have been brought on record, I dispose of the writ petition permitting the petitioner to file statutory appeal alongwith delay condonation application for condoning the delay in filing the appeal before respondent/competent authority who in turn shall decide the appeal, in accordance with law, within a period of four weeks from the date of filing the appeal. It is made clear in case petitioner file the delay condonation application with the appeal, the authority concerned shall consider the same sympathetically."

2. Learned Standing Counsel was asked to get instructions in the matter. Today, learned Standing Counsel has produced in Court an order dated 20.03.2021 passed by Engineer-In-Chief, Irrigation Department, Uttarakhand, which is taken on record.

3. A perusal of the said order indicates that petitioner has been convicted by a

Criminal Court under the provisions of Prevention of Corruption Act. Against his conviction, petitioner has filed an Appeal, which is pending before this Court.

4. Since petitioner has been removed from service on account of his conviction by a Criminal Court, therefore, his re-instatement cannot be ordered by the Disciplinary Authority, unless his conviction is set aside.

5. In such view of the matter, this Court is satisfied that this is not a case of willful disobedience.

6. Accordingly, the Contempt Petition is closed.