

**In Reference Vs. Kamta Prasad Soni**

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**SooperKanoon Citation :** [sooperkanoon.com/1052158](http://sooperkanoon.com/1052158)

**Court :** Madhya Pradesh

**Decided On :** Oct-30-2012

**Appellant :** In Reference

**Respondent :** Kamta Prasad Soni

**Judgement :**

In Reference - Vs - Kamta Prasad Soni 30.10.2012.

On 2.5.2011, Writ Petition No.14160/2009 was disposed of on a prayer made by the counsel for the petitioner to the effect that the case of the petitioner is covered by an order passed under similar circumstances in Writ Petition No.6826/2008, on 14.5.2010.

Accepting the aforesaid proposition of the petitioner, Writ Petition No.14160/2009 was disposed of.

However, subsequently it was brought to the notice of this Court that prior to filing of Writ Petition No.14160/2009, petitioner Kamta Prasad Soni had earlier filed another petition bearing W.P.No.4022/2009(S) [Kamta Prasad versus State of MP and 5 others].and the said petition was dismissed.

Taking note of all these fact ORS.this petition has been registered and a show-cause notice has been issued to the petitioner and his counsel asking them as to why contempt action should not be initiated against them and the order passed on 2.5.2011, in original Writ Petition No.14160/2009 be not recalled.

Counsel Shri Gopal Singh and Shri V.P.Singh have appeared; petitioner Kamta Prasad Soni is also present alongwith them and they have given various explanation for their conduct.

However, all have expressed their unconditional apology for the error which has been committed and the learned counsel appearing for the parties pray for taking a lenient view in the matter and closing the proceedings.

2 In Reference - Vs - Kamta Prasad Soni Considering the unconditional apology tendered by all concerned and taking note of the fact that the matter only pertains to transfer of an employee and no substantial loss has been caused to the State Government, I see no reason to initiate action for contempt against the counsel or the petitioner.

However, at the same time the counsel and the petitioner are directed to be careful in future and should ensure that on the same set of circumstances and fact petitions are not filed without verifying the correct position.

Accordingly, for the present, without initiating any action for contempt against the petitioner or his counsel, they are warned to be careful in future and let off.

As the relief claimed for by the petitioner in the original writ petition cannot be granted, the order passed on 2.5.2011, in Writ Petition No.14160/2009 is recalled and the said writ petition is dismissed, in view of the fact that similar relief claimed for by the petitioner in the earlier W.P.No.4022/2009(S) has already been decided.

Accordingly, this Review Petition stands disposed of with the aforesaid.

(RAJENDRA MENON) JUDGE Aks/-

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