

G. Chandrasekar Vs. Csir and ors.

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Court : Delhi

Decided On : Sep-10-2001

Reported in : 2001(60)DRJ284

Judge : B.A. Khan and; M.A. Khan, JJ.

Acts : [Constitution of India](#) - Article 226

Appeal No. : CW. 5516/2001 and CM 9467/2001

Appellant : G. Chandrasekar

Respondent : Csir and ors.

Advocate for Def. : Manoj Chatterjee, Adv.

Advocate for Pet/Ap. : R. Venkatramani, Sr. Adv. and; Vijay Bhan Singh, Adv

Disposition : Petition dismissed

Judgement :

Khan, J.

1. Petitioner, facing a departmental inquiry, complained of non-supply of some relied upon documents and filed OA. 1293/99 for that, which was disposed of by Tribunal by order dated 28.11.2000 directing Respondents to call upon enquiry officer to consider his request for supply of copies of these documents and to

record brief reasons if any document was not found relevant.

2. It appears that later Enquiry Officer directed supply of some documents to him. He, however, at the same time informed him that some additional documents could not be made available and produced for inspection vide order/communication dated 20.5.99.

3. Petitioner felt aggrieved of this and filed CP. No. 69/2000 complaining of breach of Tribunal order dated 28.11.2000. Tribunal dismissed his petition taking the view that this did not constitute a deliberate defiance of its order. Hence this petition.

4. L/C for Petitioner, Mr. Venkatramani argued that non-availability of documents in question would cause a serious prejudice to Petitioner's defense and that Respondents were deliberately withholding these. He, accordingly, wanted us to require Tribunal to initiate contempt action against Respondents for this.

5. It is not possible for us to do so because once Tribunal feels satisfied that the action complained of would not constitute breach or defiance of its order it is not for us to substitute our view and direct Tribunal to initiate contempt proceedings necessarily overturning its finding in the matter. The Tribunal enjoys its own contempt jurisdiction under Section 17 of the Act and it would be overstretching things to require it to exercise its jurisdiction in tune with the wishes of a litigating party. Whether or not an action constitute a deliberate defiance of its order and amounts to its contempt or whether it wants to proceed or drop proceedings is for it to decide so long as such decision does not suffer from any perversity or gross non-application of mind. thereforee, where it feels satisfied that the alleged act was not contumacious and records reasons for it, that is the end of the matter and in such a case it is not open to the party to persist with his contempt complaint and nor is it for this Court to step in and to substitute its view in the matter. A litigating party only enjoys the status of an informer in a contempt proceedings and beyond that it is for Tribunal to take care and safeguard/protect its own dignity and the majesty and efficacy of its orders.

6. Apart from this, Petitioner feels aggrieved of Enquiry Officer's order dated 20.5.99 which according to him was benefit of reasons. His grievance is that

Enquiry Officer had failed to record reasons for non-availability of documents in question as required by Tribunal order dated 28.11.2000. It that was so, it was for him to take appropriate remedy for this rather than press on his case for taking contempt action against Respondents necessarily.

7. This petition accordingly fails and is dismissed leaving Petitioner free to challenge Enquiry Officer's order dated 20.5.99 through an appropriate remedy.

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