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CONTEMPT P.(Civil) 105 OF 2003
ITEM NO.45 & 65 COURT 7

SECTION X
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Con.P.No.105/2003 in W.P(Civil)No.43 of 1998

DR. CHANDRA PRAKASH & ORS. Petitioner (s)

VERSUS

MR. D.S.BAGGA & ORS. Respondent (s)

With Office Report)

With

CONMT.PET.(Civil)No.403/2003,CONMT.PET.(Civil)No.404/2003

Date : 17/11/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL
HON'BLE MR. JUSTICE P.VENKATARAMA REDDI

For petitioners Mr. Shakil Ahmed Syed,Adv.
Mr. Prashant Chaudhary,Adv.

Mr.S.B. Sanyal,Sr.Adv.
Mr. P.K. Jain,Adv.

Ms. Abha R. Sharma,Adv.
Ms. Geetanjali Mohan,Adv.

Mr.S.Wasim A.Qadri,Adv.
Mr.Ravi Prakash,Adv
Mr. Lakshmi Raman Singh,Adv.

For intervenor: Mr.R.K.Jain,Sr.Adv.
in CP.105/2003 Mr.Rakesh Kr.Khanna,Adv.
Ms.Ritu Jalali,Adv.
Mr.Rajeev Singh,Adv.
Mr.R.P.Singh,Adv.

For intervenor: Mr.Bhasker Gupta,Sr.Adv.
in IA.10 in CP.105 Mr.Aseem Mehrotra,Adv.
Mr.T.Anil Kumar,Adv.

:2:

UPON HEARING THE COUNSEL, the Court made the following

O R D E R

The contempt proceedings are accordingly dropped.

The contempt petitions are disposed of.

(USHA BHARDWAJ)
P.S. TO REGISTRAR

(MADHU SAXENA)
COURT MASTER

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITIONS NOS.105/2003

IN

(WRIT PETITION NO.43 OF 1998)

WITH CONTEMPT PETITION NOS.403-404/2003

IN WRIT PETITION (C)NO.43 of 1998

Dr.Chandra Prakash & Ors.

...Petitioners

vs.

Mr.D.S. Bagga & Ors.

...Respondents

O R D E R

This Court had delivered a judgment on 4th December, 2002 in the matter of Dr.Chander Prakash vs. Stae of U.P. and Anr. in which this Court had inter alia directed that:

"The State Government will fix the seniority of all doctors in the PMHS cadre from the date of the orders of their initial appointment within a period of six weeks from the date of this order and give all consequential benefits including promotions and positions on the basis of such seniority list"

Therefore in terms of this Court's judgment the respondents were required to complete the exercise by 15th January, 2003. On 23.1.2003 an application for initiating proceedings in contempt against the respondents was filed by the petitioners in which it was specifically alleged :2:

that although a fresh seniority list has been generated through the computer, its publication was being deliberately withheld.

Notice was issued to the respondents who have filed an answer in which they have stated that they have since published the seniority list in terms of this Court's judgment and that the delay was unavoidable because a large number of persons were involved.

At the hearing today the learned counsel appearing on behalf of the petitioners has contended that although the seniority list has been published, the consequential benefits as directed by this court have not been granted to all the persons who are benefited by this Court's judgment. We do not find from the petition that any particulars of such non-compliance have been given. Besides it is not an issue that this Court would go into in the exercise of its contempt jurisdiction. The grievance, if any, of an individual person can be ventilated before any appropriate forum as such person may be advised, for relief in terms of this Court's judgment.

In the circumstances, having regard to the :3:

facts of the case, we drop the contempt proceedings against the respondents. However, we make it clear that we have not gone into the question whether the seniority list has in fact been prepared in terms of this Court's judgment. Several I.As have been filed by the persons having individual grievances in respect of the seniority list which they claim has not been prepared in accordance with this Court's decision in Dr. Chander Prakash's case (Supra). These individuals claimed that they have filed writ petitions in this context before the High Court. Since we are not determining the validity of the seniority list as such, the applications are infructuous and are disposed of accordingly.

The contempt proceedings are accordingly dropped.

The contempt petitions are thus disposed of.

.....J.

(RUMA PAL)

.....J.

(P.VENKATARAMA REDDI)

New Delhi,

Dated : 17.11.2003