

25.9.2012

CCP No. 20/2011 in O.A. No. 433/2010

Hon'ble Sri Justice Alok Kumar Singh, Member (J)

Hon'ble Sri S.P.Singh, Member (A)

App: Sri Ravi Pratap for Sri R.V. Singh

Res; Sri Rajendra Singh

M.P. No.2332/2011: This is an application for recall of order dated 10.8.2011 (wrongly typed as 10.7.2011 in the caption of application and also in the prayer clause).<sup>4</sup>

Heard and perused the order in question.

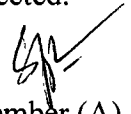
It is true that on 10.8.2011, no body was present on behalf of the applicant. Nevertheless, the contempt petition was decided on merits. The relevant portion of order dated 10.8.2011 is extracted hereinbelow:-


"By means of this application, it has been submitted that in the judgment dated 28.10.2010, a direction was given to respondent No. 2 to decide the appeal by passing a reasoned order in accordance with law within 3 months.

In para 5 of the affidavit, it has been submitted that appellant may be directed to appeal to the correct appellate authority i.e. Director General Quality Assurance. But he was not in the array of parties. Therefore, no such direction can be given. M.P. is therefore, misconceived and rejected.

The contempt petition No. 20/2011 in O.A. No. 433/2010 is also clubbed with the correction application moved in the above O.A. Notice have not been issued till date. Therefore, this contempt petition stands dismissed as there is no boty to prosecute it."

From perusal of the above order, it becomes clear that the contempt petition has been dismissed on merits. Otherwise also, there is no provision to recall an order dismissing the CCP. Therefore, it is rejected.

  
Member (A)

  
Member (J)

HLS/-

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Copy of order  
dated 25-9-12  
Bkprasad  
26-9-12