

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

...  
**C.P.NO.060/00033/2017**  
**IN**  
**ORIGINAL APPLICATION NO.060/00686/2014**

**Chandigarh, this the 20<sup>th</sup> day of March, 2018**

...

**CORAM: HON'BLE MR. JUSTICE M.S. SULLAR, MEMBER (J) &  
HON'BLE MS. P. GOPINATH, MEMBER (A)**

Dr. Anand Kumar Sharma, aged about 49 years, Assistant Professor, Govt. College of Art, Sector-10, Chandigarh (U.T).

**....Applicant**

**(Present:** Mr. S.S. Pathania, Advocate)

**VERSUS**

Dr. S.B. Deepak Kumar, Secretary Technical Education, U.T. Chandigarh.

**....Respondent**

**Present:** Mr. Aseem Rai, Advocate  
Mr. Rohit Sharma, Advocate for  
Mr. Rohit Seth, Advocate for  
Mr. Rajesh Kumar Sharma in MA No.060/01026/2017)

**ORDER (Oral)  
JUSTICE M.S. SULLAR, MEMBER (J)**

1. The matrix of the facts, and material, which needs a necessary mention, for the limited purpose of deciding the instant Contempt Petition (C.P) and emanating from the record, is that initially petitioner Anand Kumar Sharma, Assistant Professor, Government College of Arts, Sector 10, Chandigarh, (for brevity "GCA"), had filed Original Application (O.A) bearing No.060/00686/2014, against the Union of India, Chandigarh Administration, All India Council of Education, Union Public Service Commission, Manohar Lal (Respondent No. 5 therein) and S.S. Dahiya (Respondent No.6 therein), Acting Principals, challenging the action of the official respondents of giving charge of

the Acting Principal, to Respondent No.5 (therein). During the course of hearing of the pointed O.A, it revealed, that after completion of period, Manohar Lal (Respondent No.5 therein), was no longer Acting Principal, in the GCA, and the charge of the Principal of GCA, was given to S.S. Dahiya (Respondent No.6 therein).

2. As a consequence thereof, the O.A. No.060/00686/2014 filed by the petitioner was dismissed as having become infructuous. No direction, whatsoever, was issued by this Tribunal.

3. On the other hand, Manohar Lal (Respondent No.5 therein), challenged the order of giving charge of the post of Principal of GCA to Mr. S.S Dahiya (Respondent No. 6 therein) in O.A.No.060/01164/2014 titled **Manohar Lal Vs. Union of India & Others**, in which petitioner Anand Kumar Sharma, is **not at all**, a party. The O.A. filed by Manohar Lal, was disposed of, vide orders dated 4.11.2015 (Annexure CP-4), by a coordinate Bench of this Tribunal. The operative part of the order reads as under:-

“14. ....Accordingly the same is quashed and set aside. The matter is remitted back to the respondents to fill up the post of Principal through UPSC as soon as possible as per the rule formation. Till then they may consider giving the current charge to any one of the existing faculty members of the respondent college who are eligible and who have nothing adverse against them in terms of their conduct. This arrangement can continue till a regular incumbent joins. In case the respondents come to a situation where they are unable to find a suitable person from the eligible flock, they can resort to making appointment of a person from administrative side, as a short gap arrangement so that the administrative work of the college does not suffer. The O.A stands disposed of in the aforesaid terms.

15. No costs.”

4. Thus, it would be seen that no direction, whatsoever, was issued in earlier O.A. filed by the petitioner.

5. Likewise, it is not a matter of dispute that in pursuance of the order dated 4.11.2015 (Annexure CP-4), titled **Manohar Lal Vs. Union of India & Others**, the Competent Authority has entrusted the charge of the post of Principal, GCA, to Cap. Karnail Singh,

PCS, in addition to his own duties, vide orders dated 4/7.1.2016 (Annexure CP-6).

6. Thereafter, the charge of Acting Principal, GCA, was given to Rajesh Kumar Sharma, vide order dated 22.3.2017 (Annexure CP-7), by the competent authority. Again, the applicant filed O.A. bearing No. 0060/01181/2017, challenging the order, Annexure CP-7. During the pendency of the O.A., charge of the Acting Principal, GCA, was given to K.P.S. Mahi, and the petitioner has moved an application for substitution of Mr. K.P.S. Mahi, (Respondent No.6 therein), in place of Rajesh Kumar Sharma. The second O.A filed by the petitioner is still pending adjudication in this Tribunal.

7. Strangely enough, the applicant has filed the present C.P. for non-compliance of the order dated 4.11.2015 (Annexure CP-4), rendered in O.A. No.060/01164/2014 titled **Manohar Lal Vs. Union of India & Others**, in which the petitioner is not, at all, a party.

8. Not only that, the applicant has also wrongly sought action against the respondents, under the provisions of Contempt of Courts Act, for not complying with the directions contained in the order dated 6.4.2016 (Annexure CP-5), in O.A.No. 060/00686/2014, which was only disposed of, as having been rendered infructuous, and no direction, of any kind, was issued which the respondents were required to comply with.

9. Meaning thereby, the applicant has got, no ***locus standi***, at all, to file the C.P. against the order dated 4.11.2015 (Annexure CP-4), in which he was not, at all, a party and the OA filed by him was disposed of, as having been rendered infructuous, without

issuing any kind of direction. Thus, as there was no specific direction to the respondents in order dated 6.4.2016 (Annexure CP-5) in the O.A. filed by the petitioner, so, the question of committing any contempt by the respondents, does not arise, at all. But still, he has filed this frivolous C.P., in order to exert pressure, on the respondents, to achieve his evil designs, without any cause of action, accruing to him. Therefore, this C.P. deserves to be dismissed, with compensatory costs, particularly when, as indicated hereinabove, petitioner has again already filed O.A. No.060/01181/2017, challenging taking over of charge of Acting Principal, GCA, by Rajesh Kumar Sharma, and then K.P.S. Mahi, which is still pending, adjudication in this Tribunal.

10. Be that as it may, no ground, much less cogent, for initiating any contempt for willful disobedience, of any order/directions, against the respondents, is made out, in the obtaining circumstances of the case.

11. As illogical as it may seem, but strictly speaking, the tendency and frequency of persons (like the petitioner) for filing frivolous contempt petitions, with an eye to put undue pressure on the officers of the State, has been tremendously increasing day by day, which needs to be curbed at the right earnest. The case in hand appears to be a burning example of filing of such frivolous contempt petitions, which deserves to be dismissed with compensatory costs.

12. In the light of the aforesaid prismatic reasons, and without commenting further anything on merit, lest it may prejudice case of either side, during the course of hearing of pending O.A. No. 060/01181/2017, between the parties, as there is no merit, the instant C.P. is hereby dismissed, as such, with costs of Rs.10,000/-

payable by applicant, to the U.T. Legal Services Authority, Chandigarh, failing which Pay Disbursing Authority is further directed to deduct the indicated amount from the salary for the month of April, 2018 of the petitioner and to deposit the same with the U.T. Legal Services Authority, Chandigarh, under intimation to the Registrar of this Tribunal.

**(P. GOPINATH)**  
**MEMBER (A)**

**(JUSTICE M.S. SULLAR)**  
**MEMBER (J)**

**Dated: 20.03.2018**

'HC'

