

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2025:PHHC:081554



COCP No. 1687 of 2025 (O&M)

Date of Decision: 08.07.2025

DSP Ram Gopal

.....Petitioner

Versus

Shri Surendra Kumar Yadav and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE

Present : Mr. Arjun Pratap Atma Ram, Advocate with
Mr. Sambhav Parmar, Advocate, for the petitioner.

Mrs. Madhu Dayal, Advocate and
Ms. Shubreet Kaur, Advocate, for the respondents.

SHEEL NAGU, CHIEF JUSTICE (Oral)

This contempt petition alleges non-compliance and willful disobedience of the order dated 30.01.2014 (Annexure P-4) passed by this Court in Civil Writ Petition No. 14483 of 2004 and order dated 04.09.2017 (Annexure P-12) passed in CRR No. 1131 of 2010.

2. Learned counsel for the petitioner has drawn attention of this Court specially to the observations made by Division Bench of this Court which for ready reference and convenience are reproduced hereinbelow:-

“The next question is in respect of the decision of the Administration holding that Ram Gopal is entitled to be promoted on the basis of his participation in the international event. It may be stated that Ram Gopal participated in 6th World Yoga Sport Cup held at Genoa (Italy) from 10.10.1997 to 12.10.1997. Such event has been found to be a genuine event during investigations of first information report. An order was passed on 15.10.2008 by

the Inspector General of Police, Chandigarh to drop out the departmental proceedings initiated against respondent No.3 – Ram Gopal. The said order also records a finding that criminal proceedings initiated against Ram Gopal vide FIR No.80 dated 25.04.2008 were found to be incorrect during the course of investigation by Mr. Madhur Verma, IPS and, thus, while approving recommendation, the case has been sent to the court concerned for acceptance of cancellation of FIR. We find that the detailed enquiry was conducted into the genuineness of the event and the participation of Ram Gopal. We find that once the authorities have undertaken the investigations, the court in exercise of power of judicial review should not re-examine the findings as court of appeal. There is no lack of bona-fides in conduct of enquiry. The findings returned are possible findings on the basis of the material collected during the process of investigation by a member of Indian Police Service. The decision making process is neither tainted or suffers from any other illegality.

The question; whether an employee is required to be proceeded departmentally cannot be permitted to be agitated by a 3rd person. The petitioners have only chances of promotion, if Ram Gopal is not promoted. Such chances of promotion will confer any enforceable right on the petitioners to dispute the decision of the employer to close the departmental proceedings. The departmental proceedings are the matter between the employer and employee alone. 3rd person has no right to dispute the dropping of disciplinary proceedings against an employee. Reference may be made to the Supreme Court judgment in **Rajnit Prasad Vs. Union of India, (2000) 9 SCC 313,** when the Court observed as under:

“9. But a mere busybody who has no interest cannot invoke the jurisdiction of the court. In respect of departmental proceedings which are initiated or sought to be initiated by the Government against its employees, a person who is not even remotely connected with those proceedings cannot challenge any aspect of the departmental proceedings or action by filing a writ petition in the High Court or in this Court. Disciplinary action against an employee is taken by the Government for various reasons principally for “misconduct”

on the part of the employee. This action is taken after a “domestic” inquiry in which the employee is provided an opportunity of hearing as required by the constitutional mandate. It is essentially a matter between the employer and the employee, and a stranger, much less a practising advocate, cannot be said to have any interest in those proceedings. Public interest of general importance is not involved in disciplinary proceedings. In fact, if such petitions are entertained at the instance of persons who are not connected with those proceedings, it would amount to an abuse of the process of court.”

Similarly, in respect of cancellation of FIR, the direct recruit Sub Inspectors cannot be permitted to dispute the closure report. The report is to be accepted by the magistrate concerned after giving notice to the complainant. The third person such as the petitioners has no right to object to the cancellation report. If they have no right to object the closure report, the petitioners cannot be permitted to dispute such report in the present collateral proceedings relating to the promotion of the officials. Once the departmental authorities recorded a finding that certificate produced by respondent No.3 – Ram Gopal is genuine and not a forged and fabricated document, he has been rightly considered as a Sports person entitled for out of turn promotion. Thus, we do not find any illegality in the order promoting Ram Gopal passed by the Administration and not found illegal by the Tribunal.”

3. It is contended by learned counsel for the petitioner that the aforesaid observations, which are termed by the petitioner to be findings in his favour, have been breached by the official respondents by passing the order dated 30.01.2014 (Annexure P-16) by which investigation in FIR No. 80 dated 25.04.2008 has been reopened in respect of the offences punishable under Sections 420, 467, 468, 471 of the Indian Penal Code registered at Police Station Sector-3, Chandigarh.

3.1 It is also contended by learned counsel for the petitioner that the aforesaid order of the Division Bench passed on 30.01.2014 (Annexure P-16) received stamp of approval of the Supreme Court by dismissal of the Special Leave Petition No. 12919 of 2014 filed by Yashpal and others on 08.07.2014.

4. Jurisdiction available to this Court as regards contempt is of willful disobedience of the judicial orders passed by this Court in favour of a particular litigant. The petitioner in this contempt petition was not the person who had approached the Central Administrative Tribunal or the High Court. It was Udey Pal Singh, Deputy Superintendent of Police, who was one of the petitioners before the Tribunal and before the Division Bench of this Court in Civil Writ Petition No. 14883 of 2004, who is respondent No.4 herein had initiated this litigation before the Tribunal along with other co-applicants. After losing the battle before the Tribunal, Udey Pal Singh approached the Division Bench of this Court. The Division Bench while adjudicating the cause raised by the petitioners i.e. Kapil Sharma and Yashpal and others (including Udey Pal Singh) made certain observations in respect of the petitioner herein who was private respondent before the Tribunal & the Division Bench, which are reproduced supra.

5. The observations, which are claimed to be findings qua the petitioner, cannot be held to be directions to the extent that their non-compliance would invite invoking of contempt jurisdiction. The reason being that the petitioner was not the one who had approached the Tribunal and this Court. Thus, any observations or findings rendered by the Division Bench of this Court were only in respect of petitioner therein for the purpose of adjudicating the cause raised by the petitioner therein and not as regard petitioner herein.

6. As such this Court is of the considered view that no contempt is made out in the present case. However, the petitioner is free to challenge the cause of action if available to him in shape of Annexures P-16 and P-19. The petitioner will also be at liberty to raise all possible contentions permissible in law while challenging Annexures P-16 and P-19.

(SHEEL NAGU)
CHIEF JUSTICE

08.07.2025

ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	√Yes/No