

STATE OF KARNATAKA REPRESENTED THROUGH CHIEF  
SECRETARY TO GOVERNMENT OF KARNATAKA

v.

SHRI T.R. DHANANJAYA AND ANR.

SEPTEMBER 14, 1995

[K. RAMASWAMY AND B.L. HANSARIA, JJ.]

*Contempt of Court—Contemnor an officer of a State Government—Sentenced to one month imprisonment for wilful disobedience of order of Court—His applications for remission of sentence rejected—Order implemented—Application of State Government for remission of sentence—Held not maintainable.*

One of the officers of the appellant-State Government was, on 8.9.1995, awarded the sentence of simple imprisonment for one month by this Court for wilful disobedience of its order. The applications filed by the Officer for remission of the sentence were rejected and the order was implemented. The State Government filed the instant application for reviewing the order dated 8.9.1995.

It was contended by the applicant State Government that they were responsible to implement this Court's Order through their Secretaries, but since the action was taken at different levels, the officer was not personally liable for violation of the order of the Court. The applicant prayed for remission of the sentence.

Rejecting the application, this Court

**HELD :** 1. An appeal or application like the one at hand can be initiated only by the person found guilty. No other person has any right to intervene on his behalf, as he alone is the person aggrieved. Since application of the contemnor and his prayer for remission were rejected on merits, the application filed by the State seeking review of a review order, is not maintainable. [640-H, 641-A]

2. It would be open to the Government to frame appropriate rules fastening the responsibility and accountability for implementation of the order of the courts and to inform the courts in that behalf. [641-C]

A CIVIL APPELLATE JURISDICTION : I.A. No. 6 OF 1995

IN

Contempt Petn. No. 234/94.

B IN

Civil Appeal No. 797 of 1993.

C From the Judgment and Order dated the 16th July, 1991 of the Karnataka Administrative Tribunal at Bangalore in Appln. No. 1443 of 1991.

B.V. Acharya and K.R. Nagaraj for the Appellant.

P. Mahale, Rajesh Mahale, Shanta Kr. V. Mahale and M. Veerappa for the Respondent.

D The following Order of the Court was delivered :

E This Court by order dated August 25, 1995 found, Mr. J. Vasudevan, Principal Secretary, Housing and Urban Development Department, Government of Karnataka guilty of wilful disobedience of the order of this Court and sentenced him to undergo simple imprisonment for one month. Thereon, Vasudevan filed I. As. 4 and 5 of 1995 praying for remission of the sentence and explaining the circumstances in which he sought the remission. It was also stated that the order in question has since been implemented. By our order dated September 8, 1995, the applications were rejected.

F The State of Karnataka filed this I.A. on September 11, 1995 for reviewing the order dated September 8, 1995. It has been stated in the application that primarily the State is responsible to implement this Court's orders of this Court. After the aforesaid order was passed by this Court against Vasudevan, the judgment of this Court has been implemented and therefore sentence of imprisonment is requested to be remitted.

G It is now settled law that an appeal or application like the one at hand can be initiated only by the person found guilty. No other person has H any right to intervene on his behalf, as he alone is the person aggrieved.

Since Vasudevan had filed aforesaid applications and his prayer for remission was rejected on merits, the application filed by the State seeking review of a review order, is not maintainable. It is submitted on behalf of the State that in view of the extensive power of this Court under Article 142 of the Constitution, this Court may consider the matter and remit the sentence. We do not find any circumstance warranting further review of our review order and that too on self-same grounds. The contention of the State is that since the action is taken at different levels, the officer is not personally liable for the violation of the order of the Court. It is their internal management and the Court or any other party would not know as to who was actually responsible for the disobedience. It would be open to the Government to frame appropriate rules fastening the responsibility and accountability for implementation of the order of the courts and to inform the courts in that behalf. Till this is done, officers like Vasudevan shall have to be held responsible for disobedience of courts' order relating to their Department.

The application is accordingly dismissed.

R.P.

Application dismissed.