

ALLAHABAD HIGH COURT

Shankar Lal Sharma

Vs

M.S. Bisht

Criminal Misc. No. 173 of 1955

(Kidwai and Mulla, JJ.)

17.10.1955

JUDGMENT

Mulla, JJ.

Sri Shankar Lal Sharma, an employee in the Public Works Department of the Uttar Pradesh, moved in this Court an application for the grant of a writ against Sri M.S. Bisht, Chief Engineer, P.W.D., U.P. Lucknow, praying for a direction to the opposite party to forward to the Public Service Commission, U.P. his application for employment in some higher post, which he had sent to the said Commission through the opposite party. While the writ petition was pending in this Court Sri M.S. Bisht purporting to act in accordance with certain directions contained in Government Order No. O-3237/II-B-32-52, dated 24-12-1952, asked for an explanation from Sri Shankar Lal as to why he had submitted a writ application in the High Court of Judicature at Allahabad (Lucknow Bench) Lucknow. It was clearly an attempt to hold out a threat of departmental action against an employee of the Government, who had approached the High Court for what he considered to be the protection of his rights under the Constitution. This matter was brought to the notice of the Court by a petition filed by Sri Shankar Lal and thereupon a notice was issued to Sri M.S. Bisht to show cause why action should not be taken against him for contempt of Court.

2. Sri M.S. Bisht has filed an application explaining the circumstances under which he took action complained of and disclaiming all intention of intimidating the applicant. He has tendered an unqualified apology to this Court. With his application he has appended a copy of the Government order.
3. There is no doubt that if any kind of threat or any action which may amount to such threat is held out to a person, who has approached the civil Courts for a redress of such grievances as he may consider that he has, with a view to induce him to forego the assistance of the civil Courts, the action amounts to a contempt of Court.

It is a clear interference with the right of every citizen who claims redress from the civil Courts for any grievance that he may have. No kind of Government order in this respect can excuse such an action.

It is true that the order of the Government to which reference is made does contain some passages from which it may be inferred that if any person approaches the civil Courts, he may in certain circumstances, be called upon to submit an explanation. We are not satisfied that in the present case those conditions were fulfilled, but in any case even if they were that would be no justification for an action to be taken and we cannot allow any impediment to be placed in the way of a citizen seeking redress from the Courts of law. Since, however Sri M.S. Bisht has tendered an unqualified apology, we think that in the circumstances of the case it is not necessary for us to direct any further action in the matter.

Order accordingly.