

PETITIONER:
STATE OF KARNATAKA REPRESENTED THROUGH CHIEF SECRETARY TO GOV

Vs.

RESPONDENT:
SHRI T.R. DHANANJAYA & ANR

DATE OF JUDGMENT 14/09/1995

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
HANSARIA B.L. (J)

CITATION:
1995 SCC (6) 254 JT 1995 (9) 599
1995 SCALE (5) 358

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

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.

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 order through their Secretaries and the State has highest regards for the 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.

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 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.

JUDIS