

CRIMINAL ORIGINAL

Before Kapur, J.

K. KRISHNAMURTI,—Petitioner

*versus*THE DIRECTOR-GENERAL OF POSTS AND
TELEGRAPHS, NEW DELHI,—Respondent

Criminal Original 2-D of 1954

1954

 29th March. *The Contempt of Courts Act (XXXII of 1952)—Section 3—Attempt to deter people from approaching the Court—Whether amounts to interference with the course of justice—Contempt—What constitutes.*

Certain candidates for promotion to the post of Telegraph Masters felt aggrieved by a change in the rules of examination and applied to the Government for permission to go to a court of law. In reply they received the following memorandum—

“Certain officials have applied for permission to take up the matter to the law Courts and in this connection they may be informed that Director-General does not propose either to permit or prohibit them from having recourse to a Court of law for redress of their alleged service grievances but they must do it on their own responsibility as to costs and consequences and in the full knowledge that if it is proved in the end that they went to a Court of Law without sufficient justification, the Government may well consider it their duty to take appropriate steps to protect the interests of the State.”

Held, that the words “but they must do it of the State” amount to an attempt to deter people from approaching the highest court in the State to which every citizen has a right to come if he wants his rights to be adjudicated upon and anybody who deters a citizen from taking action or approaching the Court interferes with the course of justice.

Held further that anything done which tends to obstruct the administration of justice or the seeking of justice from Courts constitutes contempt.

Petition under Section 2 of the Indian Contempt of Courts Act (XII of 1926) praying that this Honourable Court be pleased to punish the respondent for contempt of Court.

R. L. ANAND, for Petitioner.

BISHAMBER DYAL, for Respondent

JUDGMENT

KAPUR, J. (Oral). This rule is obtained by Krishnamurty and others against the Director-General of Post and Telegraphs, New Delhi, to show cause why he should not be committed for contempt. Dealing with Writ Application (Civil) 132-D of 1953, I have given the facts at great length and it is not necessary to repeat them. Suffice it to say that the petitioners were candidates for promotion to the post of Telegraph Masters for which

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purpose the Government had prescribed a written test and a viva voce test super-added to it. Krishnamurty and others complained that the viva voce test had been illegally and against the rules made by Government abolished for that year and therefore their fundamental rights had been transgressed. As a result of a written examination 150 persons who stood highest in the order of merit were selected for the purpose of getting training as Telegraph Masters at Jubbalpure. Krishnamurty and others submitted that this was an infringement of their fundamental rights and the rules of Government made under statute had thereby been set at naught.

Krishnamurty in his affidavit states that he applied to Government to be allowed to go to a Court of law. I do not know that any such permission is necessary nor has any rule been shown to me which prescribed such a permission. In any case, this Court could not allow any such interference with the rights of citizen to approach it in case the citizen feels that his rights have been transgressed. In reply to this application a memorandum appeared under the signature of H. C. Sharma, paragraph 3 of which runs—

“Certain officials have applied for permission to take up the matter to the law Court. In this connection they may be informed that Director-General does not propose either to permit or prohibit them from having recourse to a Court of law for redress of their alleged service grievances but they must do it on their own responsibility as to costs and consequences and in the full knowledge that if it is proved in the end that they went to a Court of law without sufficient justification, the Government may well consider it their duty to take appropriate steps to protect the interests of the State.”

Thus the Government told the petitioners that if they had recourse to a Court of law for the redress of their grievances they will be responsible for costs. Thus far it is a wholly innocuous circumstance, but when the Director-General goes further and states that they will be responsible for the consequences "and in the full knowledge that if it is proved in the end that they went to a Court of law without sufficient justification, the Government may well consider it their duty to take appropriate steps to protect the interest of the State", it in my opinion, is an attempt to deter people from approaching the highest Court in the State to which every citizen has a right to come if he wants his rights to be adjudicated upon and anybody who deters a citizen from taking action or approaching the Court is, in my view, interfering with the course of justice, and it is not necessary to cite authorities for saying that anything done which tends to obstruct the administration of justice or the seeking of justice from Courts constitutes contempt. In my opinion the person who has sent this letter as a threat to the petitioners is guilty of contempt. I should not have thought that a responsible officer of the Government would prevent the petitioners to seek redress in a Court of law, and even if he thought they had a very weak case or the Court would come to a conclusion that it is a frivolous case, it is not for any servant of the Government, howsoever highly placed he is, to give threats to citizens who have an unfettered right to approach this Court for adjudication of their rights.

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I have held above that contempt has been committed. The person who sent this letter is H. C. Sharma who has appeared before me. He has put in an unqualified apology to this Court and has thrown himself at the mercy of the Court. In this view of the matter coupled with the fact that he is a ministerial officer who had to carry out the orders of the Director-General or his other superiors, I do not think I would take a very serious view of the matter and would only give him a warning. In view of the circumstances of this case. I leave the parties to bear their own costs.