

The Truth about Hearing on 11.12.2015, in Hon'ble Delhi High Court in CS(OS) 2052/2015, filed by Sh. Ashwini Dagar.

Background

CWC Lucknow had formed a committee to amend bylaws and as per the recommendations of the committee, the Amendments were passed in the CWC meeting held at Mathura on 8th & 9th May 2015 (as per clause 36-viii). Subsequently, Elections for the term 2015-2017 were notified on 29.06.2015 based on these amended Bye-Laws, which was later challenged by Sh. Ashwini Dagar through the Civil Suit CS(OS) 2052/2015 for Interim Relief and with the following main prayers :

- (1). To set aside the Amendments passed in Mathura on 8th and 9th May 2015.
- (2). To Stay the election notification dated 29th Jun 2015.
- (3). To Conduct election with bye-laws passed in 2013.

And other prayers like revoking the expulsions etc.

As we are aware, in the hearing of this Suit on 11.09.2015, Hon'ble High Court directed the Central Body to call General Body meeting and take approval of Amendments in bye-laws with prior Approval by Government as per clause 50.

As the members are aware, Central body organized National Convention/General Body meeting on 20th Nov 2015 in Allahabad after getting approval of Government.

Prasar Bharati accorded its approval of the amended bye-laws on 19th Nov 2015 with some minor changes.

The General Body approved the amended bye-laws unanimously on 20th Nov 2015 in Allahabad. Amendments were passed unanimously. An Affidavit describing this event was subsequently submitted in the Hon'ble High Court.

Truth about Hearing dated 11.12.2015

In hearing on 11.12.2015 , Hon'ble Justice and Sh. Ashwani Dagar's Advocate Sh. Sanat Kumar were fully satisfied with the compliance of its order dated 11.09.2015.

We ourselves agreed to appoint one Neutral observer as per DOPT Rules and submitted this in our Affidavit. After arguments Hon'ble Justice disposed off the case and appointed observer as per DOPT Rules. Hon'ble Justice dictated the order also.

Everyone came out from Court, but after some time Advocate of Sh. Ashwani Dagar again went into Court and mentioned for Re Notification of Elections. Hon'ble Court refused to do it and asked to come after lunch break.

In the hearing held after lunch break, Sh. Sanat Kumar prayed before the court that members who resigned could not file Nomination since they were restricted. Our Advocate countered that point and pleaded that there had been no restriction on anybody and it had been conveyed to Sh. Ashwani Dagar in a meeting conducted on the instructions of Hon'ble Court.

A document signed by President and Sh. Ashwani Dagar was also produced in the Court. Our Advocate also argued that we had not rejected any Nomination whatsoever.

The Justice, clearly annoyed with this change of stand by the Advocate of Sh. Ashwani Dagar, refused to pass any order and transferred the Case to Patiala House Court with Stay.

The Next date of hearing is on 1st Feb. 2016.

<= Now following points are clear =>

[1]. The above sequence of events in Hon'ble High Court on 11.12.2015 are enough to explain that even Hon'ble Court refused to issue Re Notification of Election and vacating the stay on Elections. In such a case, no body not even ARTEE President is authorized to do the same till the stay is in force, in contempt of Court orders.

[2]. There was no restriction whatsoever on anybody from contesting and it was conveyed in writing that byelaws will be effective prospectively. No Nomination was rejected on this ground.

[3]. Some members approached Court of Law and hence the matter is pending in Court. We shall honor the Court Verdict and will proceed accordingly.

[4]. If Anyone wishes for an out of Court settlement, We are open for that also, but first both the Civil Suits, CS(OS) 2684/2014 filed by Sh. Prokash Chakraborty and CS(OS) 2052/2015 filed by Sh. Ashwani Dagar Should be Withdrawn Unconditionally.

We have received information that a handful of supporters of Members who approached Court of Law are pressurizing our Members for signing a document through which they are asking President to Re Notify the Election. We want to inform Members that **no one can violate the Court Order dated 11.09.2015, passed by Hon'ble Delhi High Court through which the Hon'ble Court has imposed a Stay on Elections, which means status quo has to be maintained.**

Signing any document against Court stay may invite contempt also. It is Anti Association Activity and can invite disciplinary action also.

Central Office