

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 442 of 2013

Smt.Sarita Sharma, Aged About 42 Years, W/o Late Shri Dinesh Kumar (Ex.-Military Man) Designation- Chowkidar-Cum-Farrash, Directorate Of Sainik Kalyan Chhattisgarh, Raipur C/o Parmanand Sharma, 340, FCI Colony, Changorabhata, Raipur- 492013

---- Petitioner

Versus

Shri J.K. Devsthale S/o (Ex-Brigadier), Director, Directorate Of Sainik Welfare, Chhattisgarh, Kachhari Parisar, Behind Home Guard Office, Raipur- 492001 C.G.

---- Respondent

For Petitioner	:	None appears even in the second round.
For Respondent	:	Shri Dharmesh Shrivastava, Advocate.

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02/11/2015

Heard.

1. By this petition, the petitioner has alleged willful disobedience of order dated 12.9.2012 passed in WPS No.4054/2012.
2. Vide order dated 12.9.2012, this Court clearly held that the respondents are under an obligation to extend the benefit of increments as if the petitioner had continued in service. This Court also observed that the effect of earlier order is that the petitioner is reinstated in service, meaning thereby that the petitioner shall be deemed to have continued in service and therefore seniority of the petitioner has to be maintained as if she was never terminated from service. This Court further observed that as and when occasion arises for issuance of seniority list, the petitioner would be entitled to seniority as if the petitioner was never terminated from service and continued.

The petitioner as well as respondent both have placed on record copy of order dated 9th January, 2013, 18th January, 2013 and 7th February, 2013.

3. Though initially, the order passed on 9th January, 2013 did not state regarding consequential benefits in terms of order dated 12.9.2012, order dated 7th February, 2013 filed by the petitioner as well as respondent clearly records that for the purpose of seniority and increment, the relevant date would be the initial date of appointment i.e. 15th March, 2005.
4. Learned counsel for the respondent submits that as a clear order in terms of order dated 12.9.2012 has been passed, rule may be discharged.
5. In view of the above consideration and submission, I am not inclined to proceed in the matter. Rule is therefore discharged. Contempt petition is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen