

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No.381 of 2015**

Ramsingh Kanwar S/o Late Shri Than Singh Kanwar Aged About 60 Years
Presently Working As Chief Executive Officer, Janpad Panchayat Katghora,
District Korba, Chhattisgarh

---- Petitioner**Versus**

1. Smt. Reena Babasaheb Kangale District Collector Korba, District Korba,
Chhattisgarh
2. Shri Devendra Patel (Deputy Collector) Presently Occupied The Post Of Chief
Executive Officer, Janpad Panchayat Katghora, District Korba, Chhattisgarh

---- Respondent

For Petitioner	:	Shri Jitendra Pali with Shri Aman Kesharwani,
Advocates		
For Respondent No.1	:	Shri Vikash Bhaskar, Advocate
For Respondent No.2	:	Shri V. K. Pandey, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****26/11/2015**

This contempt petition has been filed by the petitioner alleging willful disobedience of order dated 05-05-2015 passed by this Court in W.P.S.No.1659 of 2015.

2. Learned counsel for the petitioner argued that in the writ petition, this Court passed an order on 05-05-2015 directing status quo as it existed on that day in respect of the petitioner to be maintained till the next date of hearing. On 05-05-2015, the petitioner was working and had actually discharged his duties in the office of Chief Executive Officer, Janpad Panchayat. On that day, the respondent No.2 was relieved from the office of the Collector and he had submitted his joining in the office of Chief Executive Officer, Janpad Panchayat on that date itself. According to learned counsel

for the petitioner, the act of respondent No.2 was only to somehow overreach the orders and proceedings of the Court and set at naught and defy the orders. It is also submitted that the petitioner brought it to the notice of respondent No.1-Collector that the Court has directed status quo as it existed on 05-05-2015 to be maintained but the Collector did not pass any order of withdrawing posting of respondent No.2 from the office of Chief Executive Officer, Janpad Panchayat, therefore, both the respondents are guilty of willful disobedience of the order of Court.

3. Learned counsel for respondent No.1 submitted that as far as respondent No.1 is concerned, she has been wrongly impleaded in the contempt petition. The interim order required directing status quo with regard to posting of the petitioner to be maintained. This respondent did not issue any direction to the petitioner against the orders of Court. If the respondent No.2 has submitted his joining and assumed the charge of office of Chief Executive Officer, Janpad Panchayat on 05-05-2015, the said Officer alone is responsible and answerable to the Court in the contempt petition.

4. Learned counsel for respondent No.2 argued that the order passed by this Court on 05-05-2015 was not communicated to him, till he was relieved from the office of Collector on 05-05-2015. There was no intimation of the order of the Court to him till he submitted his joining in the office of Chief Executive Officer, Janpad Panchayat on 05-05-2015. It is submitted that status quo with regard to the petitioner alone has been directed to be maintained and as the transfer order has not been stayed, the respondent No.2 had no option but to comply with the directions of the State Government and submit his joining, therefore, he has not committed any willful disobedience of the order of Court.

5. From the pleadings, affidavit and documents on record, it is clear that on the date i.e. 05-05-2015, this Court had directed status quo with regard to posting of the petitioner to be maintained as is existed on that date. On 05-05-2015, when the order was passed, it became effective and operative immediately. Since till that time, the

petitioner was not relieved, he was entitled to continue in the office by virtue of the interim order.

6. True it is that neither the respondent No.1 nor respondent No.2 had notice or knowledge or intimation about the order passed by this Court on 05-05-2015, but that does not mean that the order of the Court was not effective and operative.

7. There is nothing on record to show that at the time when respondent No.1 issued relieving order of respondent No.2 on 05-05-2015 and when the respondent No.2 joined in the office of Chief Executive Officer, Janpad Panchayat on 05-05-2015, they had notice or knowledge of order passed by this Court. There is no acknowledgment on record to show that the petitioner had submitted any affidavit before the respondent No.1 passed relieving order and respondent No.2 joined in the office of Chief Executive Officer, Janpad Panchayat. Therefore, the respondents cannot be held guilty of willful disobedience of the order of the Court.

8. At the same time, as the interim order of status quo was passed on 05-05-2015, it required the parties to maintain status quo which existed on that date. Apparently, the petitioner was working on that date in the office of Chief Executive Officer, Janpad Panchayat and there is no document of relieving prior to 05-05-2015. It is also found that the respondent No.2 submitted his joining only on 05-05-2015.

9. In a situation like this, the order of the Court has to prevail and not the act of the parties. Result is that the order of the Court requires the petitioner to continue in the office and joining of respondent No.2 is contrary to the intention of the order, though it cannot be said to be a case of willful disobedience.

10. In the result, the rule against the respondents is discharged. It is directed that the petitioner shall be allowed to continue in the office of Chief Executive Officer, Janpad Panchayat till the interim order passed by this Court on 05-05-2015 is in operation. Appropriate orders may be passed either by the State Government or by the

Collector in respect of interim arrangement regarding place of posting and working of respondent No.2.

11. Accordingly, the petition is finally disposed off.

Sd/-

Manindra Mohan Shrivastava

Judge