

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****CONT No.90 of 2012**

Kaushal Kishore Pathak S/o Ram Sharan Pathak, Working As Upper Division Teacher, Mata Rukmani Kanya Ashram, Dimrapal, Dist. Bastar, CG

---- **Petitioner****Versus**

1. Shri M.S. Paraste, Commissioner, Tribal Welfare Department, Raipur, CG
3. B.S. Anant, Commissioner Tribal Welfare Department, Raipur, Cg. Presently Posted As Secretary, Forest Department, D.K.S. Bhawan, Mantralaya, Raipur C.G.

---- **Respondents**


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| For Petitioner  | : | Shri CJK Rao, Advocate        |
| For Respondents | : | Shri Akhilesh Kumar, Advocate |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava****Order On Board****10/03/2016**

Heard.

2. This contempt petition has been filed alleging willful disobedience of order dated 24-11-2011 passed by this Court in Contempt Case (C)No.414 of 2011 and order dated 11-11-2009 passed by this Court in W.P.S.No.2678/2009.

3. Learned counsel for petitioner submits that initially, the respondent authority did not comply the order within the stipulated period. Later on, the authority passed the order on 17-01-2012 rejecting the representation of the petitioner by stating that the petitioner is not entitled to benefit of 5th Pay Scale as per recommendations.

4. Learned counsel for respondents submits that the authorities has taken a view that as the petitioner is not appointed against sanctioned post, the benefit shall not accrue to the petitioner.

5. Irrespective to the merits of the case, the decision has been taken by the authority on its own understanding and interpretation of the order of the Court. If the petitioner is still aggrieved, he would be at liberty to challenge that decision. It cannot be said that it was an act of willful disobedience. Rule is discharged.

6. Accordingly, this petition is finally disposed off.

Sd/-  
**Manindra Mohan Shrivastava**  
Judge