

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Contempt Case (S) No. 183 of 2005**

Khelan Prasad Sharma S/o Shri Bhangilal Sharma Former Cook Pre-Matric
 Harijan Balak Hostel, Maro District Durg Madhya Pradesh (now Chhattisgarh)

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

Dwarika Prasad Lonhare S/o Shivcharan Lonhare Assistant Commissioner
 Adim Jati and Anushuchit Jati Kalyan Vibhag Durg Madhya Pradesh (now
 Chhattisgarh)

---- **Respondent**

For Petitioner : Shri Kshitij Sharma, Advocate.

Hon'ble Shri Deepak Gupta, Chief Justice**Order on Board****02/12/2016**

1. This contempt petition is totally misconceived. Relevant portion of the directions passed by the Madhya Pradesh State Administrative Tribunal, Jabalpur (hereinafter referred to as 'the Tribunal') non-compliance of which is the subject matter of this contempt petition, reads as follows:-

“It is prayed on behalf of the applicant that if the applicant's services have been terminated, the applicant be paid his pension and other retiral benefits.

Looking towards this prayer, the learned Govt. Advocate Shri P.L. Sharma, assures that Tribunal that the case of the applicant will be finalised regarding his pension and other retiral benefits within a period of two months.

Two months period is granted to the non-applicants to finalise the pension of the applicant along with all retiral benefits.

With the above directions, the present petition is disposed of finally.”

2. After this order was passed, the Respondent considered the claim of the Petitioner and offered the amount for retiral benefits but he was not

awarded pension. The Petitioner claims that the order in question directs that pension and other retiral benefits be paid to him. I am of the considered opinion that what has been ordered is that claim for finalising the pension must be decided within two months. The order rejecting the claim of the Petitioner is also an order in compliance of the Tribunal. There is no willful disobedience of the order of the Court.

3. However, it appears that the Petitioner was under the impression that his remedy lies in filing the present contempt petition, which has been pending for 16-17 years. Therefore, it would be unjust to deprive the Petitioner of his right of challenging the order of the Tribunal on its own merits.

4. The contempt petition is rejected. However, liberty is granted to the Petitioner to challenge the order of the Tribunal by filing a writ petition. The Petitioner is permitted to raise his grievances with regard to entitlement of pension by filing a writ petition within a period of two months from today. In case, the petition is filed within two months, the State shall not raise any objection with regard to delay and laches.

5. With the aforesaid observation/directions, the contempt petition stands disposed of.

**Sd/-
(Deepak Gupta)
Chief Justice**