

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Contempt Case (Civil) No. 111 of 2016

Ajay Pratap Singh S/o Shri Kalyan Singh Thakur, Aged About 34 Years
Teacher (Municipal Corporation Shiksha Karmi Grade- I I, Posted At
Primary School, Ayodhyapuri Korba, District Korba, Chhattisgarh

---- Petitioner

Versus

Ajay Agrawal, Commissioner, Municipal Corporation, Korba, District
Korba, Chhattisgarh(Contemnor)

-----Respondents

For Petitioner:

Shri KS. Pawar along with Shri Shashi
Kumar Kushwaha, Advocates.

For Respondent/State:

Shri Dhiraj Wankhede, Government
Advocate.

Single Bench: Hon'ble Shri P. Sam Koshy, J
Order On Board

10.5.2016

1. The present Contempt Petition has been initiated alleging the willful non-compliance of the order dated 18.3.2015 passed in Writ Petition (S) No.863/2015. While disposing the said Writ Petition, this Court had directed the Respondent to consider the case of the Petitioner along with other eligible candidates whenever the DPC is next held subject to the suitability and entitlement of the Petitioner and also availability of post.

2. Though the order was passed on 18.3.2015, the Contempt Petition was filed on 21.2.2016 alleging that in spite of considerable period of almost one year having been passed, the Respondent has not taken any initiative for

compliance of the directives given by this Court on 18.3.2015. The Respondent has now entered appearance and submitted that the case of the Petitioner and other eligible persons has in fact already been considered and the Municipal Corporation, Korba has already made repeated requests and have also sent reminders to the State Government for permitting and holding the Promotion Committee so that the case of all the eligible persons similar to that of the Petitioner could be considered for promotion.

3. Learned Counsel for the Respondent submits that a response from the State Government is awaited and immediately on the response from the State Government, the process would be complete. He further submits that so far as the part which the Respondent had to play, he has duly complied and honoured the directions given by this Court. That it is now for the Officers of the State Government to give approval and permission to hold the Promotion Committee to consider the case of promotion of all the eligible persons including the Petitioner.

4. In view of the reply submitted by the Respondent, this Court is of the opinion that so far as the Respondent is concerned, he has complied with the orders passed by this Court. Though there is some delay, but he has definitely complied with the orders and so far as the role of the Commissioner, Municipal Corporation, Korba is concerned. That now the next step has to be taken at the State Government level and the Officers of the State Government have not been made Contemnors in the present Contempt Petition.

5. In the light of the correspondences made by the Municipal Corporation to the State Government, it is expected that the State authorities may take an early decision on the letters issued by the Respondent to the Officers of State Government.

6. In the opinion of this Court, at this juncture, no contempt is made out and the Contempt Petition is accordingly dismissed.

Sd/-
(P. Sam Koshy)
JUDGE

Priya