

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 201 of 2016

A. S. R. Murty S/o A Adinarayan Murty, Aged About 57 Years R/o 99-Adarsh Nagar, Kanker, District Kanker, Working As Executive Engineer, Water Resources Division Kanker (Chhattisgarh)

---- Petitioner

Versus

Mr. V. K. Vachhani Then Executive Engr. Department Of Water Resources, Kanker, Presently Posted At Gariyaband, District Gariyaband (Chhattisgarh)

---- Respondent

Shri Pawan Kesharwani, counsel for the petitioner/s.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/05/2016

Heard.

It is submitted that despite order dated 06/05/2010 passed by this Court, till date, the matter relating to petitioner's regularization has not been finalised.

2. After going through the documents which have been filed before this Court, it is found that the petitioner approached the Executive Engineer along with the copy of the order and thereafter, State Government directed the Engineer-in-Chief, Mahanadi Pariyojna, Raipur vide memo dated 14/01/2011 to examine the case of the petitioner, seek report from the Executive Engineer and submit report. Executive Engineer, vide letter dated 22/01/2011 informed the Engineer-in-Chief, the background in which the order was passed by this Court and the steps taken by him. Vide memo dated 23/04/2014, the Executive Engineer recommended consideration of the case of the petitioner to the Engineer-in-Chief. When no orders were passed, the petitioner again approached this Court by filing WPS No.4580/2014, which was dismissed as withdrawn. Representation was made by the petitioner on 05/02/2015 to the Engineer-in-Chief. Vide memo dated 11/03/2015, the Executive Engineer

recommended regularization of the petitioner. vide memo dated 30/11/2015, the Government required the Engineer-in-Chief to inform the Government regarding compliance of the order of the Court followed by another memo dated 12/01/2016.

3. In view of above, what is found is that the matter is pending with the Engineer-In-Chief without any final decision taken in the matter. The Executive Engineer has already recommended the case of the petitioner. This Court had directed the Executive Engineer to consider case of the petitioners and thereafter, steps which could have been taken, have already taken but from the correspondence which have been placed, it appears that the matter is pending with the Engineer-in-Chief.

4. In this view of the matter, I am not inclined to initiate contempt proceedings against the Executive Engineer. It is, however, observed that the spirit of the order required earliest decision of the case of the petitioner. The Engineer-in-Chief, Water Resources shall be under an obligation to take decision in the matter within a period of 30 days from the date of receipt of copy of this order failing which, this Court will proceed to initiate contempt proceedings against those officers, who are responsible for the present state of affairs.

5. With the aforesaid observations, the contempt petition is finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge