

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CONT No. 275 of 2015**

Dr. Sangram Singh Sisodiya S/o Shri Baldeo Singh Sisodiya Aged About 58 Years  
Retd. Assistant Surgeon, From Primary Health Centre Bramkela, Tehsil Saranggarh,  
Civil And Revenue Distt. Raigarh Chhattisgarh

**---- Petitioner**

**Versus**

1. Shri Praveer Krishna Chief Secretary (Health), Valabh Bhavan Bhopal M.P.
2. Shri Rajeev Chand Dubey Health Commissioner Bhopal M.P.
3. Shri Pankaj Agarwal Director Health Services, Bhopal M.P.
4. Shri Dr. Alok Shukla Secretary Health And Family Welfare Department Mantralaya,  
New Raipur Chhattisgarh

**---- Respondents**

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Shri Shakti Raj Sinha, counsel for the petitioner/s.  
Shri Rakesh Anthony, counsel for respondent no.4.

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**Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**04/01/2016**

This contempt petition has been filed by the petitioner alleging willful disobedience of order dated 04/04/13 passed by this Court in WP (S) No.2766/05.

2. Learned counsel for the petitioner submits that in the writ petition in which, the State of Madhya Pradesh and its officers and State of Chhattisgarh were parties, an order was passed by this Court directing respondents to consider the case of the petitioner for promotion as on the date, he was declared unfit by taking into consideration his complete records and strictly in accordance with the then prevailing rules relating to criteria including the same yardsticks which was applied while considering the case of the petitioner and other officers. He submits that the copy of the order was sent by registered post to the Chief Secretary, Health, Commissioner Health and Director, Health Services of the State of Madhya Pradesh as also the Secretary, Department of Health and Family Welfare, State of Chhattisgarh. The State of Chhattisgarh has passed an order as late as on 28/11/15 rejecting the representation of the petitioner by holding that as the petitioner had retired from

service prior to coming into force of Madhya Pradesh Re-Organisation Act, 2000 (for short "the Act of 2000"), the steps for holding review DPC may have to be taken by the State of Madhya Pradesh in its department of Health and Family Welfare and not by the Health Department of the State of Chhattisgarh.

3. Learned counsel for respondent No.4 submits that respondent No.4 has filed his reply on affidavit that the State of Chhattisgarh has passed an order on 28/11/15. It has been stated that respondent no.4 is no longer holding the office of the Secretary, Department of Health and Family Welfare. It is further submitted that in these circumstances, as far as respondent No.4 is concerned, rule may be discharged against him.

4. Vide order dated 28/11/2015, the State of Chhattisgarh has taken a stand that as the petitioner retired from services prior coming into force of the Act of 2000, the case of the petitioner is required to be dealt with by the State of Madhya Pradesh and not by the State of Chhattisgarh. Irrespective of correctness of the order, once the order has been passed, contempt proceedings cannot be continued against respondent no.4. Earlier, this Court only issued notice to respondent no.4.

5. In these circumstances, I am not inclined to continue this contempt petition at present. The petitioner may submit a copy of the order which is now being passed before respondent No.1 of the writ petition. The State of Madhya Pradesh is required to take appropriate steps, if not already taken in the matter, in compliance of order dated 04/04/13 passed in the petition in which the State of Madhya Pradesh was also a party.

6. There is nothing on record to show whether the order passed by this Court on 04/04/13 has been challenged by the State of Madhya Pradesh in any proceedings. If that order has not been challenged, the same is required to be complied with.

If no steps are taken towards compliance of the order of this Court by the State of Madhya Pradesh within a reasonable period, the petitioner would be at liberty to revive the contempt petition along with acknowledgment of receipt of copy of the order passed by this Court on 04/04/13 in WP (S) No.2766/05 and a copy of the order which is now being passed.

7. The contempt petition is finally disposed off.

**Sd/-**  
**(Manindra Mohan Shrivastava)**  
**Judge**