

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 537 of 2016

R. K. Singh S/o Late Shri Y.N.Singh, Aged About 59 Years Deputy Milk Commissioner, Dairy Services, Raipur, R/o B-53, Phase 1, Seepat Road, Bijayapuram Colony, Sarkanda, Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. Ajay Singh Agriculture Production Commissioner, Department Of Krshi, Pashudhan Vikas, Mahanadi Bhawan, Mantralaya, Naya Raipur, Chhattisgarh
2. Rasik Parmar, Authorized Officer, C.G. State Co-Operative Dairy Faderation, Village- Urla, Post, B M Y Charoda, P.S. Charoda, Distt. Durg, Chhattisgarh
3. Dr. S.S. Gaharwar (Retired Director Of Veterinary Service) Cum Ex-Managing Director, C.G. State Dairy Co-Operative Federation, Village- Urla, Post, B M Y Charoda, P.S. Charoda, Distt. Durg, Chhattisgarh(Contemnors)

---- Respondents

For Petitioner	:	Mr. Neeraj Choubey, Advocate.
For State/Respondents	:	Mr. Prafull N. Bharat, Additional Advocate General

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/11/2016

Heard on admission.

1. This contempt petition has been filed by the petitioner alleging willful disobedience of order dated 23.08.2016. It is alleged that after the order was passed, the incumbent in the office of Managing Director, himself, handed over charge to another officer but the State Government did not pass any order for handing over charge to other officer.

2. According to learned counsel for the petitioner, this shows reluctance on the part of the Government to pass appropriate order in implementation of the interim order passed by this Court.

3. In this case, this Court had directed the Deputy Advocate General to seek instructions from the Secretary of the concerned Department and file specific affidavit whether the respondent No.3 is still being allowed to discharge functions as Managing Director and whether the charges have been withdrawn.

4. Shri Bharat, learned Additional Advocate General appears in the case along with the affidavit of the Secretary of the Department to inform that as soon as the order was passed by this Court, the respondents in the writ petition against whom the interim order was passed, handed over the charge to another officer on 26.08.2016 and from that date, it is the other officer who is discharging duties and functions. As the charge was already handed over by respondent No.4 in the writ petition to another officer, the Department had no occasion to pass any order to withdraw the charge from the incumbent of the office. He submits that at present, duties and functions of the office of Managing Director is being discharged by another officer.

5. This Court by an interim order has restrained respondent No.5 in the writ petition, from discharging the functions and exercising powers of the office of Managing Director and it appears that the concerned officer, himself, has handed over the charge.

6. It appears that because of this situation, the Department itself did not pass any order probably for the reason that respondent No.5 in the writ petition did not insist to continue in the office after the order passed by this Court.

7. There is no material on record to show that after the interim order, respondent No.5 of the writ petition is still continuing to discharge duties and functions of the office of Managing Director. Therefore, in these circumstances and at this stage, I am not inclined to initiate any contempt proceedings against the respondents.

8. The contempt petition is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge