

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 422 of 2015

- Laxman Prasad Devangan S/o Late Bhagwati Prasad Devangan Aged About 45 Years Occupation Service, Posted As Sahayak Samiti Prabandhak, Adim Jati Seva Sahkari Samiti Chainpur, Police Station And Tahsil Manendragarh, District Koriya Chhattisgarh

---- Petitioner

Versus

1. Shri Shailendra Gupta Incharge Officer Adim Jati Seva Sahkari Samiti Chainpur, Police Station And Tahsil Manendragarh District Koriya Chhattisgarh
2. Shri M. Ekka, Assistant Registrar, Cooperative Societies, Koriya, Baikunthpur, District Koriya Chhattisgarh

---- Respondent

For Petitioner
For Respondents

Mr.Rakesh Pandey, Advocate
Mr.Prafull Bharat, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

15/2/2016

Heard.

(2) This contempt petition has been preferred alleging non-compliance of the interim order passed in WPS No.2383 of 2015 on 06.07.2015.

(3) Mr. Bharat, learned counsel for the contemnors, would submit that the order stands complied with and the petitioner has been handed over the current charge of the office of Assistant Manager of the concerned Primary Society on 01.01.2016.

(4) Mr. Pandey, learned counsel for the petitioner, would submit that apart from the interim order in the writ petition, there was an interim order in this contempt petition also, however, despite that the contemnors did not comply the order and instead submitted a wrong affidavit on 14.11.2015 mentioning that the order has been complied with. He would submit that the respondents have thus committed contempt of the lawful authority of the Court.

(5) In reply to the pertinent question as to whether the petitioner was getting salary of the post of Assistant Manager since after the interim order in the writ petition, Mr. Pandey would submit that the petitioner has been paid salary for the post of Assistant Manager right from the beginning.

(6) If that be the case, it cannot be said that the respondents have malafidely disobeyed the order passed by this Court. It is to be seen that the substantive post of the petitioner is that of Samiti Sahayak, but on the date the impugned order was passed, he was holding the current charge of the office of Assistant Manager, therefore, the contemnors, while complying the interim order passed by this Court, initially handed over the charge of the office of Samiti Sahayak and not that of the Assistant Manager. However, since in view of the interim order, the petitioner's status as on the date of the order impugned in the writ petition was to be maintained, the respondents have now handed over the charge of the office of Assistant Manager. The respondents have also tendered their unconditional apology before this Court.

(7) In view of the aforesaid, this Court does not deem the present to be a case where the respondents have willfully or malafidely disobeyed the order passed by this Court. Since the order now stands complied

with, no further action is needed in this contempt petition.

(8) Accordingly, the rule issued against the contemnors is discharged. The contempt petition stands finally disposed of.

Sd/-

Judge

(Prashant Kumar Mishra)

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