

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 342 of 2016

Mahavir Prasad Agrawal S/o Shri Radheshyam Agrawal, Aged About 42 Years R/o Village Navapali, Post, Police Station & Tah. Baramkela, District Raigarh, Chhattisgarh

---- Petitioner

Versus

Shri P. K. Saklecha Chief Area Manager, Indian Oil Corporation Limited Raipur Area Office Rajiv Gandhi Road, Telibandha Raipur, Chhattisgarh(Contemnor)

For Petitioner : Shri Shashi Bhushan Singh Patel, Advocate
For Respondent : Shri Prafull Bharat and Shri Anand Shukla, Advocates

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

Order On Board

16/09/2016

Heard.

1. This contempt petition has been filed by the petitioner alleging willful disobedience of the order dated 28th January, 2014.
2. Learned counsel for the petitioner submits that there is an interim order passed that the petitioner's candidature shall be considered by the respondent at all subsequent stages of selection, however, the result of allotment of the disputed location shall not be declared. It is submitted that interim order was operative even on 7.6.2016 when the letter was issued by the respondent authority proposing allotment to third party. Therefore, it is a case of willful disobedience.
3. Learned counsel for the respondent submits that though there was an interim order passed on 28.1.2014 in the writ petition, later on, writ petition was dismissed for want of prosecution vide order dated 17.10.2014. In the meantime, the respondent proceeded in the matter and lots were drawn on 23.2.2015. He submits that though the writ petition was restored reviving the interim order, it being only till next date

of hearing and not continued on all subsequent dates of hearing, respondent authority, under a bonafide understanding that interim order is not continued, has proceeded with the matter. It is also submitted that the petitioner has not come out with clean hands while filing contempt petition and the fact that on subsequent dates in the pending writ petition, interim order was not continued and fresh application for grant of stay was filed which was pending, were not brought to the notice of this Court.

4. True it is that this Court passed interim order on 28.1.2014. However, it is borne out from the records of the writ petition out of which this contempt petition arose, that writ petition itself was dismissed for want of prosecution on 17.10.2014. In the order of restoration which was passed by this Court on 28.8.2015, the statement of the respondent that they have proceeded to draw lot on 23.2.2015 has been taken note of and it was observed that consequences will be considered at the time when the writ petition is taken up for hearing.
5. As writ petition was restored to its number, the interim order stood revived. However, it could continue only till next date of hearing. Thereafter, interim order was not continued on 9.9.2015, 7.10.2015, 16.11.2015, 12.1.2016 and lastly on 7.4.2016. Instead, this Court directed the case to be listed for final hearing. The petitioner had moved an application for grant of stay afresh which remained pending and it was neither allowed nor rejected.
6. In view of the above, it cannot be said that the interim order was in force and operation on the date when letter dated 7.6.2016 was issued. Therefore, it is not a case of disobedience of any order of the Court much less willful disobedience in nature. The contempt petition is, therefore, misconceived and is accordingly dismissed.
7. Consequently, interim order passed in this petition stands vacated.

Sd/-
(Manindra Mohan Shrivastava)
Judge