

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No.326 of 2010**

- Umesh Kumar Singh S/o Tapeshwari Singh, R/o Bhandhap , Post Champ, Dist-Rohtas, Bihar

---- Petitioner**Versus**

1. Miss. Radhika Durai Swami, Secretary, Ministry of Communications, Department of Post, New Delhi.
2. Miss S.S. Nayar Chief Post Master General, M.P. Postal Circle, Hoshangabad Road, Bhopal, M.P.
3. Dr. Abhinav Waliya Post Master General Raipur
4. Mr. S.J. Ghoheshwar Senior Superintendent Of Post Durg Division, Bhilai Durg

---- Respondents

For Petitioner	:	Shri Parag Kotecha, Advocate
For Respondents	:	Shri N. K. Vyas, ASG

D.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Shri Justice Goutam Bhaduri

Order On Board**Per Manindra Mohan Shrivastava, J.****13/01/2017**

Heard.

2. This contempt petition has been filed by the petitioner alleging willful disobedience of order dated 10-02-2010 passed by this Court in Writ Petition No.3340 of 2005.

3. Learned counsel for petitioners submits that after the order passed by this Court, the respondents did not forthwith reinstate the petitioner and the reinstatement of the petitioner was deferred till 25-05-2011 i.e. after more than one year. It is argued that in spirit of order of the Court, the respondents were obliged under the law to reinstate the petitioner forthwith without any delay whatsoever. Other submission of

learned counsel for the petitioner is that though the petitioner has been subsequently reinstated in the year 2011, yet consequential benefits in terms of order passed by this Court on 10-02-2010, as contained in para 13, have not been granted. He submits that the petitioner, in the circumstances of the case, was entitled to reinstatement. As the order passed by the Tribunal directing reinstatement was not complied with, the petitioner was entitled to reinstatement with all consequential benefits i.e. pay, perks and seniority with effect from 27-09-1999 i.e. the date when the Tribunal had passed the order.

4. On the other hand, learned counsel for respondents submits that there was no intention to flout the order of the Court. After the order passed by this Court, the respondents had preferred MCC for recall of the order and Special Leave Petition was also filed before the Supreme Court. He submits that during the pendency of proceedings, the respondents reinstated the petitioner in service, because the respondents felt that despite pendency of aforesaid proceedings, as there is no interim order, order passed by this Court is required to be complied with. It is submitted that now, the Special Leave Petition has been finally dismissed on 13-03-2015. On the second submission of learned counsel for the petitioner, it is replied by submitting that this Court directed reinstatement of the petitioner forthwith with all consequential benefits in terms of order dated 27-09-1999 passed by the Tribunal. He submits that the order of the Tribunal did not give any specific direction for seniority or any payment.

5. The operative part of the order dated 10-02-2010 passed by this Court, reads as under:-

13. "Consequently, the instant writ petition is allowed. Impugned order dated 23-02-2005 passed by the Tribunal is set aside and original application is allowed. It is directed that if the petitioner has been found medically fit and there is no adverse police verification report, he shall be reinstated forthwith with all consequential benefits in terms of the order dated 27-09-1999 passed by the Tribunal in O.A.No.215/1996."

6. As order reads, the petitioner was directed to be reinstated forthwith. We do not think any other relief was required to be granted to the petitioner on literal reading of the order passed by this Court along with order passed by the Tribunal on 27-09-1999. May be that the petitioner could not claim that in view of the order dated 27-09-1999 passed by the Tribunal, the petitioner was entitled to be granted reinstatement benefits with effect from 27-09-1999, but that was not the order of this Court. Therefore, we do not think that the respondents have committed any willful disobedience of the order passed by this Court.

7. Leaving it open for the petitioner to work out remedy for the claim of consequential benefits with effect from 27-09-1999, the contempt petition is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Goutam Bhaduri)
Judge