

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 556 of 2017**

Raghuraj Singh Chouhan S/o Shri Grendra Singh Chouhan, Aged
About 58 Years Sr. Horticulture Development Officer At Shaskiya
Udyan Ropdi, Sardha, Block Lormi, District Mungeli, Chhattisgarh

---- Petitioner**Versus**

1. Chandra Dev Singh Assistant Director, Horticulture, Mungeli,
District Mungeli, Chhattisgarh
2. Gayatri Prasad Sahu, Sr. Horticulture Development Officer At
Shaskiya Udyan Ropdi, Mohtara, Block Pandariya, District
Kabirdham, Chhattisgarh(Contemnors)

---- Respondents

For Petitioner : Mr. A.S. Rajput, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****21/09/2017**

Heard.

1. This contempt petition has been filed by the petitioner alleging willful disobedience of order dated 25.08.2017 passed in WPS No.4032 of 2017.

2. It is submitted that the first representation along with the copy of the order passed by this Court was submitted in the office of Joint Director, Horticulture Mungeli but before that the petitioner was relieved on 28.08.2017. It is argued that as soon as the order of the Court was brought to the knowledge of the authority, in the spirit of the order, he ought to be allowed to continue but instead of allowing the petitioner to continue, the other person who has been transferred in the place of the petitioner was allowed to join on 06.09.2017.

3. The order of this Court was passed on 25.08.2017 in which, it was directed that if no one has joined at the place of posting of the petitioner, for three weeks, coercive steps shall not be taken against the petitioner. It appears that before this Court could be brought to the notice of Assistant Director, the petitioner was relieved on 28.08.2017. That means that on the date of petitioner relieving, the order of the Court was not communicated. Therefore, to that extent, it cannot be said that there was willful disobedience. However, as soon as the order of the Court was brought to the notice of Assistant Director, it was required to be complied with in its true spirit. The order was passed by the Court on 25.08.2017. The petitioner was not relieved till that date. Therefore, even if he was relieved subsequent to 25.08.2017, due to lack of communication, once the order was communicated, the petitioner was entitled to continue. Though officer cannot be said to be guilty of willful disobedience, he has not acted in accordance with the spirit of the order perhaps on wrong notion that before communication of the order, the petitioner was relieved. The period of protection granted to the petitioner under the order dated 25.08.2017 is over.

4. In these circumstances, it is now directed that till petitioner's representation is decided, the petitioner shall be allowed to join and work at the present place of posting until appropriate orders are passed by the Secretary on petitioner's representation. The Assistant Director shall arrange for payment of salary of the petitioner.

5. The contempt petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge