

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 418 of 2017

1. K. R. Dahariya S/o Koduram Dahariya, Aged About 49 Years Promoted As Lecturer (Economics) Presently Working At Govt. Middle School Adhrikachhar, Block, Tahsil And District Korba Chhattisgarh.
2. Laxman Saraf S/o Late Shri Jeevan Lal Aged About 53 Years Promoted As Lecturer (History) Presently Working At Govt. Middle School Karrapali, Balock Kartala, District Korba Chhattisgarh.
3. Murlidas Mahant, S/o Late Shri Aratidas Mahant, Aged About 49 Years Promoted As Lecturer (Chemistry) Presently Working At Govt. Middle School Sitamani, Block, Tahsil And District Korba Chhattisgarh.
4. B.K. Nirala, S/o Late Shri Tularam Nirala, Aged About 49 Years Promoted As Lecturer (Hindi) Presently Working At Govt. Middle School Sitamani, Block And District Korba Chhattisgarh.
5. Subhash Chandra Dadsena, S/o Shri Terasram Dadsena, Aged About 45 Years Promoted As Lecturer (Hindi) Presently Working At Govt. Middle School Ratakhar, Block And District Korba Chhattisgarh.
6. Lakhanlal Banjare, S/o Shri Ghasiram Banjare, Aged About 43 Years Promoted As Lecturer (Hindi) Presently Working At Govt. Middle School Jatadand, District Korba Chhattisgarh.
7. Parmeshwar Prasad Anchali, S/o Late Shri Sunder Lal Anchali, Aged About 46 Years Promoted As Lecturer (Hindi) Presently Working At Govt. Balak Middle School Pali, District Korba Chhattisgarh.
8. Santosh Sahu, S/o Late Shri Bedram Sahu, Aged About 40 Years Promoted As Lecturer (History) Presently Working At Govt. Middle School Balgikhar, District Korba Chhattisgarh.
9. Vipin Kumar Sharma, S/o Late Shri Ramadhar Sharma, Aged About 49 Years Promoted As Lecturer (Political Science) Presently Working At Govt. Middle School Gorma, District Korba Chhattisgarh.

---- Petitioners

Versus

1. S. Prakash Director, Lok Shikshan Sanchanalaya Chhattisgarh Indravati Bhawan, Naya Raipur, District Raipur Chhattisgarh.
2. Indrajit Chandra Wall Chief Executive Officer, Zila Panchayat Korba,

District Korba Chhattisgarh..... Contemnors.

---- Respondents

For Petitioners : Mr. B.L. Bharadwaj, Advocate

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

Order On Board

02/08/2017

Heard on admission.

1. This contempt petition has been filed by the petitioners alleging willful disobedience of order dated 04.10.2016 passed in WPS No.5458/2016.
2. Learned counsel for the petitioners submits that on a petition filed by as many as 37 teachers with the grievance that despite appropriate order issued in their favour, they are not being given posting and the respondents are proceeding to fill up all the vacancies of Lecturer by other process of recruitment, a protective order was passed that 37 vacancies of Lecturer existing in the tribal department at the time of issuance of promotion order of the petitioners in the writ petition, shall not be filled up by any other process of recruitment.
3. However, later on, vide order dated 30.05.2017, large number of teachers have been promoted as Lecturers and posted against various vacancies. By this order, only 9 out of 37 writ petitioners of WPS 5458 of 2016 have been given posting and even these postings have been given at different places and not at the same place. It is submitted that giving posting at other places to these 9 applicants herein (out of 37 writ petitioners) is an act of willful disobedience.
4. In order to protect the interest of the writ petitioners, 37 in number, this Court had passed an interim order that 37 vacancies of Lecturer

in Tribal Department shall not be filled up. In the contempt petition, there is no averment that while issuing promotion and posting order on 30.05.2017, the left vacancies of lecturer in Tribal Department are less than 37. In fact, order dated 30.05.2017 redresses the grievance of 9 out of 37 writ petitioners as they have now been given posting orders. It was not in the spirit of the interim order dated 04.10.2016 that the petitioners, therein, shall not be disturbed from their respective places of posting which they were holding at the time of filing of writ petition or that while giving posting, they should be continued at the same place.

5. Therefore, the contempt petition appears to be misconceived and is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Rekha