

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 602 of 2016**

- Maharaja Swa Sahayta Samuh Jujagu Through Its President- Sobhita Paikra, D/o Shankar Sai Paikra Aged About 32 Years, R/o Village- Jujagu, Post Kurdeg, Block & Tehsil Bageecha, District Jashpur, Chhattisgarh

---- **Petitioner****Versus**

1. Dr. Priyanka Shukla Collector Jashpur District Jashpur, Chhattisgarh
2. Mr. Tikendra Jatwar, District Program Officer, Women & Child Development Dept., Jashpur, Chhattisgarh(Contemnors)

---- **Respondents****And****CONT No. 603 Of 2016**

- Jai Bhawani Swa Sahayta Samuh Sulesa, Through Its President- Smt. Sangeeta Rajwade, W/o Tankeshwar Prasad Rajwade Aged About 42 Years, R/o Village Sulesa, Block & Tehsil Bageecha, District Jashpur, Chhattisgarh

---- **Petitioner****Vs**

1. Dr. Priyanka Shukla Collector Jashpur District Jashpur, Chhattisgarh
2. Mr. Tikendra Jatwar, District Program Officer, Women & Child Development Dept., Jashpur, Chhattisgarh(Contemnors)

---- **Respondents**

For Petitioners	:	Shri KN Nande, Advocate
For Respondents/Contemnors:		Shri Vivek Sharma, Advocate
		Dr. Priyanka Shukla Collector Jashpur and Mr. Tikendra Jatwar, District Program Officer, Women & Child Development Dept., Jashpur are also present

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board**

12/01/2017

1. In contempt petition No.602/2016, the petitioner is complaining of contempt of the order passed by this Court in WPC No.2622/2016 (**Maharaja Swa Sahayta Samuh Vs. State of Chhattisgarh & Others**) on 26.10.2016 whereas in contempt petition No.603/2016, the petitioner is complaining of non-compliance of the order passed on 03.10.2016 in WPC No.2433/2016 **{Jai Bhawani Sw Sahayta Samuh Vs. State of Chhattisgarh & Others}**. In the both the matters the petitioners are the self help groups, who were allotted work of supply of ready to eat food material to the respective project sectors or Anganbadi centers. On allegation that the samples of ready to eat food material supplied by the petitioners have failed in the laboratory test, their allotment were canceled, which were called in question in the earlier writ petitions.
2. While allowing the writ petitions by two separate orders, this Court observed that the authority has not followed clause 11 of the terms and conditions of the agreement and the instructions issued by the State Government mandating adherence to the principles of natural justice and hearing by a committee before cancellation of agreement. In WPC 2622/2016 this Court also observed that till the matter is decided by the Collector, the petitioner shall continue to supply ready to eat food material to the Anganbadi Centers in accordance with the agreement, however, such specific direction was not issued in the other writ petition.
3. It is alleged by the petitioner that despite service of orders passed by this Court in each of the writ petition, the District Program Officer and the Collector flagrantly violated the order and did not allow the petitioners to supply ready to eat food material. It is also stated that the petitioners kept on visiting the office of District Program Officer, however, their request for

supply was orally turned down.

4. The contemnors have filed documents to demonstrate that as per the practice prevalent in the department for supply of the ready to eat food material for the ensuing month orders are to be issued before 10th day of the previous month, therefore, in both the cases, for supply of ready to eat food material for the month of November and December the orders were issued before 10th of the previous month and by that time the orders were not served on the contemnors. It is also put forth that before the supply orders could be issued for the month of January, other part of the order passed by this Court directing fresh decision to be taken by the committee was complied with and now since the allotment has been canceled there is no question of obtaining supply from the petitioner for the month of January and February 2017.
5. I have heard learned counsel for the parties for quite length. The contemnors have also put forth their submission and explanation. There appears some non-compliance of the order passed by this Court, inasmuch as, when the order was already served on District Program Officer on 14.10.2016 in the matter of Jai Bhawani, it was the duty of the District Program Officer to apprise the Collector to take necessary steps for compliance of the order passed by this Court. Similarly in the matter of Maharaja Swa-Sahayata, although orders were issued on 07.11.2016 for obtaining supply for the month of December, yet before the actual supply could be made, copy of the order passed by this Court was already served, therefore, corrective measures could have been taken, which has not been done.
6. The Collector would explain that since the petitioners were found guilty of

supplying substandard food material which was to be consumed by the children, therefore, being concerned about the health of the children, supply was not obtained from the petitioners, however, there was no intention of flouting the order passed by this Court. It is also submitted that the contemnors were under impression that once supply order has been issued in favour of some other self-help group, it was not to be recalled.

7. Despite the explanation, this Court is still of the opinion that the Collector should have taken effective steps to comply the order passed by this Court. However, since this Court is not posted with all the record as to whether or not the Collector was in fact served with the copy of the order passed by this Court and considering the nature of defaults committed by the petitioners compromising with the quality of the ready to eat food material, this Court does not think it to be a fit case for taking the proceedings further in the matter.
8. Therefore, accepting the unqualified apology tendered by the contemnors, both the contempt petitions are disposed of with the hope that the Collector, Jashpur shall properly monitor the functioning of the Women & Child Development Department of her district and direct the District Program Officer that whenever orders from the High Court are received, it should be promptly brought to her notice, so that steps can be taken within time and in right earnest to comply the orders.
9. Since the committee has reconsidered the issue and passed fresh orders, it will remain open for the petitioners to move a fresh writ petition.

Sd/-

Judge
Prashant Kumar Mishra

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