

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Contempt Case No.81 of 2006**

Shri Ram Nidhan Singh S/o Late Shri Hans Raj Singh aged about 60 years
Pensioner Resident of 17/514 Amahiya Rewa

---- Petitioner**Versus**

1. Shri Bhagwan Singh Otti S/o Not known to the Petitioner aged about 59 years Additional Commissioner (Administration) Commercial Tax Civil Lines Raipur Chhattisgarh

2. Shri Ajay Singh S/o Not known to the Petitioner aged about 45 years Secretary cum Commissioner Tax Civil Lines Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Manoj Paranjpe, Advocate.
For Respondent No.2	:	Shri Kishore Bhaduri, Advocate.

Hon'ble Shri Deepak Gupta, Chief Justice**Order on Board****20/01/2017**

1. The Petitioner complains that the order dated 2.5.2006 passed by Learned Single Judge of this Court in Writ Petition No.579 of 2003 was not complied with by the Respondents. Operative portion of the order reads as follows:-

“17. For the reasons stated-above, the impugned show cause notice dated 8.10.1996 (Annexure P/1), being incompetent and unconstitutional deserves to be quashed and is accordingly quashed. The petitioner is entitled to all the consequential benefits, including seniority, difference of wages and consideration for promotion, if any, in accordance with the order dated 23.6.1987 (Annexure P/5) passed by the respondent No.3.”

2. It is not disputed before me that the Petitioner has been granted seniority as per the judgment. The dispute is with regard to his claim for promotion. It may be noticed that in the order in question, no time frame was given to the Respondents to complete the process.

3. Be that as it may, it is expected that every order of the Court has to be complied with within a reasonable period of time. Respondent No.2 has filed an affidavit on 10.7.2013 alongwith two annexures have been attached. First annexure is letter dated 3.5.2011 which shows that the case of the Petitioner was recommended for considering his case for promotion with effect from the date when his juniors were promoted. The second is the communication dated 24.12.2012 which shows that the case of the Petitioner for promotion was considered by the Public Service Commission but it was rejected on the ground that he did not meet the criteria laid down by the departmental promotion committee. In the order, contempt of which is complained, a direction was given that the case of the Petitioner be considered for promotion and that has been done though belatedly. His case for promotion has been rejected. This Court has not expressed any opinion as to whether rejection was proper or improper. However, the order of this Court has finally been complied with and therefore, there is no willful disobedience of the order of this Court.

4. In view of the above, the contempt petition is dismissed. However, liberty is reserved in favour of the Petitioner to challenge the order not granting him promotion by filing an appropriate writ petition.

Sd/-
(Deepak Gupta)
Chief Justice