

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 126 of 2017

- Dr. Sangram Singh Sisodiya S/o Shri Baldeo Singh Sisodiya, Aged About 58 Years Occupation Retd. Assistant Surgeon, From Primary Health Centre Bramkela, Tehsil Sarangarh, Civil And Revenue Distt. Raigarh, Chhattisgarh

---- Petitioner

Versus

1. Mrs. Gouri Singh Chief Secretary (Health), Valabh Bhavan, Bhopal (M.P.)
2. Dr. Pallavi Jain, Health Commissioner Bhopal (M.P.)
3. Shri Pankaj Jain, Director Health Services, Bhopal (M.P.)
(Contemnors)

---- Respondents

For Petitioner	:	Shri Shakti Raj Sinha, Advocate
For Respondents	:	Shri Sourabh Dangi, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/05/2017

By this petition, the petitioner alleges willful disobedience of direction issued by this Court in the matter of consideration of petitioner's case for promotion.

2. Learned counsel for the petitioner submitted that initially, direction of the Court was not complied with and later on when it transpired that the matter was required to be considered by the State of Madhya Pradesh, vide order dated 04-01-2016, this Court disposed off the contempt petition with a direction to State of Madhya Pradesh to take appropriate steps in compliance of the Court order. Thereafter, it is alleged that though, some kind of consideration has been made, but it has not taken into consideration the relevant ACRs, which were required to be considered in the spirit of the order passed by this Court.

3. Learned counsel for the respondents submits that the respondents with the available records in their hand, have complied with the order of the Court by

considering the case of the petitioner for grant of promotion and by applying the then criteria with reference to the ACRs from 1982 to 1986, the decision was arrived at, therefore, the order passed by this Court has been complied with.

4. Order annexed along with the reply, which has been issued on 15-03-2016 by the Department of Public Health and Family Welfare, State of Madhya Pradesh, reveals that the petitioner's case was again examined by the authorities and upon consideration of the ACRs of the year 1982 to 1985, ACR of 1986 remaining unavailable, the petitioner was not found fit for promotion. Though, number of arguments have been raised by learned counsel for the petitioner, assailing correctness and validity of the decision, it cannot be said to be an act of contempt. This Court cannot ignore the fact that towards compliance of order of the Court, old records were required to be collected and considered. Whatever has been done by the respondents, to my mind, cannot be said to be an act of contempt. If the petitioner is aggrieved by the order dated 15-03-2016, his remedy lies in filing separately constituted petition, wherein all the grounds, which are being raised to assail the correctness and validity of the decision, may be considered.

5. Accordingly, the petition is finally disposed off. Rule is discharged.

Sd/-
(Manindra Mohan Shrivastava)
Judge