

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CONTEMPT CASE (CIVIL) No. 509 of 2015

1. J.C. Grover, S/o. Late Om Prakash Grover, aged - 47 years, Ex-Officer, Chhattisgarh Rajya Gramin Bank, R/o. K-30 Kranti Nagar, Bilaspur, District Bilaspur (C.G.).

----Petitioner

Versus

1. Shri Ravindra Kumar Gupta, the Chairman, Chhattisgarh Rajya Gramin Bank, H.O. - Mahadevghat Road, Sunder Nagar, Raipur, District – Raipur (C.G.).
2. Shri Y.V. Ramnna, The General Manager, Chhattisgarh Rajya Gramin Bank, H.O. Mahadevghat Road, Sunder Nagar, Raipur, District – Raipur (C.G.)

---- Respondents

For Petitioner	: Mr. R.K. Kesharwani, Advocate
For Respondents	: Mr. B.D. Guru, Advocate

D.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Shri Justice Goutam Bhaduri,

Order On Board

Per Goutam Bhaduri, J.

13/01/2017

1. Learned counsel for the petitioner would submit that the respondents authorities have not complied with the order dated 04.12.2014, passed in Writ Appeal No. 560/2011, wherein liberty was given to the respondents to hold an enquiry with respect to the fact that whether the petitioner is gainfully employed or not to be determined from the date of termination till the date of reinstatement. The operative para of the order passed by the Division Bench is reproduced as here under :-

“8. If the appellant files an application before the respondent authorities and produces evidence with regard to the fact that he was not gainfully employed from the date of termination till the date of reinstatement, without prejudice to the rights of the respondent-Bank to hold an enquiry in the matter, if they are satisfied of his status, as claimed, they shall consider the claim for back wages accordingly.”

2. Learned counsel for the petitioner would submit that despite such order, neither proper enquiry has been conducted nor the report has been supplied and no proper opportunity of hearing was given as such the respondents have disobeyed the mandate of the order dated 04.12.2014.
3. Learned counsel for the respondents submits that on 09.03.2016 after holding the enquiry, the order was passed and that order is subject of challenge in separate Writ Petition (S) No.2255/2016.
4. Perused the order.
5. It is not disputed that in respect of the back wages an order has been passed. The order appears to be not in favour of the petitioner, consequently is under challenge.
6. Therefore, taking into totality when certain order has already been passed and the validity of the order is under challenge in a separate petition, in the considered opinion of this Court, the Court can not go beyond the scope and the direction made at Para -8 of the order dated 04.12.2014 to decide the same on merits. As the validity of the order is already sub-judice in separate writ petition.

7. In a result, no contempt is made out in this petition and is dismissed accordingly.

**Sd/-
(Manindra Mohan Shrivastava)
Judge**

**Sd/-
(Goutam Bhaduri)
Judge**

Balram