

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 95 of 2017**

Radheshyam S/o Thakur Ram Bharia, Aged About 29 Years R/o Village Bango, Tahsil Katghora, District Korba Chhattisgarh ---- **Petitioner**

Versus

Shri P. Dayanand District Collector Korba Chhattisgarh ---- **Respondent**

For Petitioner : Mr. Himanshu Sharma Advocate appears under instructions from Mr. Shailendra Dubey, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board**16/02/2017**

Heard on admission.

1. The petitioner has filed this petition alleging willful disobedience of order dated 10/03/2010 passed in the case of the petitioner in WPS No.3253/2005.

2. Learned counsel for the petitioner submits that in compliance of the direction issued by this Court, the Caste Scrutiny Committee, though belatedly, passed an order on 08/10/2015 holding that the petitioner belongs to "Bharia" tribe which is included in the list of Scheduled Tribe applicable in the State of Chhattisgarh. As per the order of this Court, once it has been found that the petitioner belongs to "Bharia" Tribe, the respondent is obliged to re-instate the petitioner, but till date, no re-instatement has taken place, though immediately after order dated 08/10/2015, the petitioner submitted a representation to the respondent.

3. In order dated 10/03/2010, this Court held -

"8. Consequently, I am unable to uphold the impugned order of termination passed on 07/04/1999 passed by the Collector, Bilaspur and the same is declared illegal and is hereby set aside. Respondent–Collector is directed to refer the case of the petitioner to the State

Level Caste Scrutiny Committee for determination of petitioner's caste status. The Collector shall make such reference to the State Level Caste Scrutiny Committee at the earliest and not later than one month from the date of receipt of a copy of this order. If it is ultimately found that the petitioner belongs to "Bharia" Tribe, respondents shall reinstate the petitioner in service with all consequential benefits, pay, perks and seniority. As the petitioner is out of employment since 07/04/1999, it is directed that the State Level Caste Scrutiny Committee shall conclude its enquiry in the case of the petitioner as expeditiously as possible and all endeavor shall be made to complete the same within a period of six months subject to cooperation by the petitioners."

4. In the aforesaid order of the Court, it has been clearly stated that once the State Level Caste Scrutiny Committee finds that the petitioner belongs to "Bharia" tribe, he will be entitled to reinstatement with all consequential benefits, pay, perks and seniority.

This Court had directed conclusion of the enquiry within a period of six months, however, enquiry itself was delayed and the order has been passed by the State Level Caste Scrutiny Committee as late as on 08/10/2015. Much time has elapsed. This is all the more reason why the consequential order of reinstatement in terms of order passed by this Court earlier on 10/03/2010 is required to be passed without further loss of time. Let the order of reinstatement be passed forthwith to comply with the order of the Court. As the termination order was passed by the office of the Collector, Tribal Development, Bilaspur on 07/04/1999 which has been set aside by this Court earlier, the consequential order of reinstatement will have to be passed by the office of the Collector, Tribal Development, Bilaspur. The petitioner shall place a copy of this order before the respondent for necessary compliance. In case, the petitioner is not reinstated forthwith, it would be open for the petitioner to revive this contempt petition.

5. With the said observation, this petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge