

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 114 of 2017

K. R. Vijayan Nair S/o Late Rajagopalan Nair, Aged About 59 Years R/o
Karhi Colony, Mungeli, Mungeli Distt. Chhattisgarh State Pin 495334

---- Petitioner

Versus

1. Shri R. N. Divya Chief Engineer, Water Resources Department,
Hasdevo (Mini Matha) Bango Project, Bilaspur, Bilaspur Distt.
Chhattisgarh State
2. L.B.Shah, Executive Engineer, Water Resources Department, E/ M
Division, Kelo Project, Kharsia, Raigarh, Raigarh Distt. Chhattisgarh
State

....Respondents

For Petitioner : Mr. K.R. Nair, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/02/2017

Heard on admission.

1. Learned counsel for the petitioner submits that though a direction has been issued by the Chief Engineer to the Executive Engineer vide his memo dated 07.10.2016 in purported compliance of the order passed by this Court on 07.09.2016, he has superimposed condition for compliance of the order that the payment be made only on the ground that the petitioner residing in the headquarter.
2. The Court has already passed an interim order which does not contain any such stipulation or precondition for release of salary. If the respondents had argument to seek modification of the order subject to certain condition, the proper course was to move an application before the Court rather than imposing any condition for compliance of the Court's order. The Chief Engineer appears to have misconstrued the order of the Court. However, considering the aforesaid aspect of the matter, it is directed that without

insisting on any condition, order dated 07.09.2016 shall be complied with and both the Chief Engineer and Executive Engineer shall ensure immediate release the salary of the petitioner without imposing condition of residence and headquarter etc. If that is not done within a period of 30 days from the date of receipt of copy of this order, which is now being passed, the petitioner would be at liberty to revive this petition and non-release of salary of the petitioner as directed, may lead to personal appearance and initiation of contempt proceeding.

3. With the aforesaid liberty, the contempt petition is disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge