

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No.484 of 2016

- Smt. Laxmi Adhikari W/o Pranav Mandal, Aged About 30 Years R/o Laxmi Nagar, Near Bharat Gas Godown, Tikrapara, District Raipur, Chhattisgarh

---- Petitioner

Versus

- Shri Nilesh Khirsagar, Presently Posted As Chief Executive Officer, Zila Panchayat Raipur, District Raipur, Chhattisgarh(Contemnor)

---- Respondent

For Petitioner	:	Shri Mateen Siddiqui, Advocate
For Respondent	:	Shri Manish Nigam, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/02/2017

Heard.

2. On the last date of hearing, this Court had allowed the petitioner to file an affidavit and place before the Court the evidence, if any, of the fact that on or before 09-09-2016, order dated 28-07-2016 passed by this Court was served or communicated to Chief Executive Officer, Jila Panchayat, Bemetara to find out whether he was in full know and knowledge of the order of the Court.

3. Though, there is no such material placed before this Court by learned counsel for the petitioner to satisfy the Court on the aforesaid aspect, an application has been moved by the petitioner before the Chief Executive Officer, Jila Panchayat, Raipur, one of the party in the contempt proceedings, on the submission that the spirit of the order of the Court passed on 28-07-2016 allowed only fresh orders to be passed and not an order of cancellation, but the Chief Executive Officer, Jila Panchayat, Bemetara passed an order on 09-09-

2016 canceling transfer order of the petitioner.

4. This Court while disposing off the writ petition, only gave liberty of passing fresh order and not to enter into the exercise of cancellation of order, because, transfer order of the petitioner has already been executed by submitting her joining at Raipur before the Chief Executive Officer, Jila Panchayat. In the absence of any material, it appears that while passing order dated 09-09-2016, the Chief Executive Officer, Jila Panchayat, Bemetara did not have any knowledge about order dated 28-07-2016 passed by this Court. The justification provided by the respondent herein to express his inability regarding posting order of the petitioner is based on the cancellation order dated 09-09-2016.

5. The Chief Executive Officer, Jila Panchayat, Bemetara has passed the cancellation order dated 09-09-2016, though this was not permissible in view of the order dated 28-07-2016 passed by this Court. As has already been observed in the said order, liberty was given to pass fresh order. That could be done by the Chief Executive Officer, Jila Panchayat, Raipur, where the petitioner submitted her joining. Therefore, in these circumstances, the Chief Executive Officer, Jila Panchayat, Bemetara shall withdraw its order dated 09-09-2016. Thereafter, the respondent herein shall instantaneously pass an order regarding posting of the petitioner. However, it is made clear that liberty granted on 28-07-2016 by this Court to pass fresh order by the Chief Executive Officer, Jila Panchayat, Raipur, shall remain intact.

6. With this observation, this petition is finally disposed off.

SD/-

(Manindra Mohan Shrivastava)

J U D G E