

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Contempt Case (Civil) No. 261 of 2016**

R. P. Singh S/o Late Shri Govind Singh, aged about 56 years, posted as Sub-Engineer, Public Health Engineering, Sub-Division, Surajpur, District Surajpur (Chhattisgarh)

---- Petitioner**Versus**

K. K. Markam, posted as Superintending Engineer, Public Health Engineering Department, Ambikapur Circle, Ambikapur, District Surguja (Chhattisgarh)

---- Respondent

For Petitioner	:	Shri S. C. Verma and Shir Rahul Mishra, Advocates
For Respondent	:	Shri Sunil Otواني and Shri Shashank Tahkur, Advocates

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Justice P. Sam Koshy****Order on Board****Per Thottathil B. Radhakrishnan, Chief Justice****17/04/2017**

The question raised in this case is as to whether there is violation in the directions contained in judgment dated 18.01.2016 in Writ Appeal No. 549 of 2015.

2. Heard the learned counsel for the petitioner and the learned counsel for the contesting respondents.

3. The crucial facts relevant for the issue as of now is that the petitioner R. P. Singh contested the posting of Omkar Singh by contending that Omkar Singh is junior to him and therefore, could not have been put the charge of a particular Office. Through the judgment in the Writ Appeal, this Court directed the issue to be resolved on the basis of the applicable circulars and

instructions. This petition for initiating an action under the Contempt of Courts Act is filed by R. P. Singh alleging that the directions of this Court have been flouted and the petitioner has not been posted.

4. The fact of the matter remains that apart from R. P. Singh and Omkar Singh, one Sri V. K. Mishra is also involved in the controversy. Though for reason best known to the litigants before us, the presence of such a person was not brought to the notice of the learned Single Judge or the Division Bench. V. K. Mishra was transferred and posted as per Annexures R- 2/3, communication dated 09.07.2015, much before the issue arose between R. P. Singh and Omkar Singh. Obviously, therefore, when the official respondents decided to consider the matter in the light of the directions issued by this Court, both R. P. Singh and Omkar Singh were found ineligible to hold the post as Sub-Engineer and V. K. Mishra who was already posted as per the order dated 09.07.2015 was permitted to officiate.

5. In the aforesaid view of the matter, whatever be the merits of the action taken by the official respondents, we do not see any ground to hold that there is willful neglect or disobedience in carrying out the directions contained in the judgment of the Division Bench. This contempt petition fails. In the result this contempt petition is dismissed.

Sd/-
(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE