

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Contempt Petition (Civil) No.84 of 2017**

Prabhat Kumar Mishra S/o Satyanarayan Mishra, Aged About 32 Years
R/o Qtr. No. 342/2, Near Sub-Station, Shivaji Nagar, Korba, P.S. Korba,
District Korba, Chhattisgarh

---- **Petitioner****Versus**

1. Mr. B. R. Reddy Aged About 58 Years Chairman-Cum-Managing Director, S E C L, Basant Vihar, Seepat Road, Bilaspur, Chhattisgarh
2. Mr. R.S.Jha Aged About 55 Years Director Personal, S E C L, Basant Vihar, Seepat Road, Bilaspur, Chhattisgarh
3. Mr. S.K.Paul Aged About 50 Years Chief General Manager, S E C L Korba, District Korba, Chhattisgarh(Contemnors)

-----**Respondents**

For Petitioner:

Shri Ashok Kumar Shukla, Advocate.

For Respondents:

Dr. NK Shukla, Senior Advocate along with
Shri Vivek Chopda, Advocate.**Hon'ble The Chief Justice****Hon'ble Shri Justice Sanjay Agrawal****Order on Board****Per Thottathil B. Radhakrishnan, Chief Justice****22/9/2017**

1. We have heard learned Counsel for the Petitioner and learned Senior Counsel for the Respondents in this case instituted under the Contempt of Courts Act alleging violation of the directions contained in the judgment rendered by the learned Single Judge on 03.08.2016 passed in Writ Petition (C) No.1778/2015.
2. The said judgment/order was affirmed by this Court in Writ Appeals No.483/2016 and 484/2016 and Special Leave Petition ended in affirming the substantial part of that judgment, however setting aside the order with regard

to imposition of exemplary costs by the Division Bench.

3. The sum and substance of the findings contained in the judgment of the learned Single Judge is that the Petitioner is a member of the family, which was entitled to appointment in terms of the Rehabilitation Policy of 1991, which governed rehabilitation of persons displaced on account of land acquisition for the purpose of South Eastern Coalfields Limited, which is represented by the Respondents. That policy document is Annexure P-8 in Writ Petition (C) No.1778/2015.

4. The plea of the Petitioner is that he has such qualification which ought to have been taken note of by the establishment of Respondents to give him an appointment which could be treated as reasonable having regard to his educational qualifications and achievements. According to the Petitioner, he has technical qualifications in the field of Computers and could not have been handed down with an order of appointment which is merely as a '*mazdoor*'.

5. Learned Senior Counsel for the Respondents pointed out that the appointment of the Petitioner, as is offered to him, is in the category of general '*mazdoor*' (category-1).

6. We have considered the contents of the 1991 Rehabilitation Policy document which is Annexure P-8 in the Writ Petition and the terms of the appointment order which is criticized by the Petitioner as having been issued only to get over the directions issued by this Court. It is pointed out that the appointment order is as if it is a temporary appointment for a limited period; that too, with dice loaded against the Petitioner "threatening him even of removal from the post".

7. Having regard to the facts situation of the case as advanced through learned Counsel for the parties at the time of arguments, we see that it is not

our domain within the purview of the Contempt of the Courts Act to deliberate upon and decide issues, which are attempted to be projected, having regard to the nature of the directions issued throughout the judgment delivered in the Writ Petition. Obviously therefore, we leave upon all such issues to enable the Petitioner to seek such remedy as may be available to him in accordance with law, on the facts and in the circumstances of the case.

8. Hence, without expressing anything on the merits or otherwise of the contentions of the Petitioner as against the quality of the appointment order issued by the South Eastern Coalfields Limited, we dismiss this case holding that no case of contempt of Court is made out.

Sd/-
(Thottathil B. Radhakrishnan)

CHIEF JUSTICE

Sd/-
(Sanjay Agrawal)

JUDGE