

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CONT No. 71 of 2017**

Amarnath Katiyar S/o Ujagarlal Katiyar, Aged About 44 Years Presently Assistant Grade- I I I, O/o Chief Electoral Officer, Indravati Parisar, Old Mantralaya, Raipur, Chhattisgarh

**---- Petitioner**

**Versus**

D.D. Singh, Joint Chief Electoral Officer, Indravati Khand, Old Mantralaya Campus, Raipur, Chhattisgarh

**---- Respondent**

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Shri P.R.Patankar and Shri Utsav Mahiswar, counsel for the petitioner/s.

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**Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**02/03/2017**

Heard.

This petition has been filed by the petitioner alleging willful disobedience of order dated 03/08/2016 passed in WPS No.2956/2016.

2. Learned counsel for the petitioner submits that this Court passed order dated 03/08/2016 on petitioner's appeal against an order of penalty shall be heard and decided by the State Government in its department of Law and Legislative Affairs as early as possible. However, the respondent proceeded to pass an order on 31/08/2016 in violation of the order of the Court knowing fully well that the appeal was directed to be decided by the same authority.

2. In the contempt petition and in the documents annexed along with the petition, there is no clinching evidence to show that before passing of order dated 31/08/2016, order dated 03/08/2016 passed by this Court was brought to the notice of the respondent. Therefore, this Court granted the petitioner, an opportunity to place on record any material to show that the order passed on 03/08/2016 was communicated to the respondent against whom, contempt is alleged. Thereafter,

the petitioner placed on record a representation dated 01/09/2016 (Annexure C/6) addressed to the respondent disclosing that the appeal of the petitioner was directed to be decided by the authority other than the respondent. The other document dated 15/10/2004 (Annexure C/7) also does not specify the query of the Court.

3. It is, therefore, apparent that this Court passed an order on 03/08/2016 directing the State Government in the Law and Legislative department to decide petitioner's appeal. That order was not brought to the notice of the respondent which led to passing of order dated 31/08/2016. Therefore, in these circumstances, even if the order was passed by the respondent in violation of order dated 03/08/2016, it cannot be said to be a case of willful disobedience of the order of the Court. Therefore, the contempt petition is dismissed, leaving the petitioner with liberty to take appropriate legal proceedings against order dated 31/08/2016.

**Sd/-**  
**(Manindra Mohan Shrivastava)**  
**Judge**