

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 104 of 2017

Biharilal S/o Bhurwa Ram, Aged About 56 Years R/o Village Ralia, Tahsil: Katghora, Post: Mudhali, District: Korba, (Chhattisgarh)

---- Petitioner

Versus

D. Shrinath Chief General Manager, South Eastern Coalfields Ltd., Gavara Area, Korba, Distt. Korba, (Chhattisgarh)

---- Respondent

Shri Dhiraj Wankhede, counsel on behalf of Shri Sanjay Kumar Agrawal, counsel for the petitioner/s.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

03/04/2017

Heard.

1. This contempt petition has been filed by the petitioner alleging willful disobedience of the directions issued by this Court in petitioner's case and another connected case vide order dated 15.07.2016.

2. Learned counsel for the petitioner submits that this Court had directed the respondents to examine petitioner's claim for grant of employment in lieu of acquisition of land as per the order passed by this Court on 23.07.2015 in the case of **Ku. Rattho Bai and Anr. Vs. South Eastern Coalfields Limited and Ors.** in WPS No.432 of 2011. It is submitted that the spirit of the order was that while considering the claim for employment of land oustees, policy of the State Government should be taken into consideration but while deciding the matter, the authority has distinguished the case from that of Ku. Rattho Bai (supra) decided case of the petitioner relying upon the policy of the State of Chhattisgarh as also policy of SECL/Coal India Limited which amounts to willful disobedience.

3. After having gone through the order, by which the petitioner's claim has been

rejected, I find that the authority has considered the claim of the petitioner on its own understanding of the order of the Court and has recorded reasons why he did not find the case of the petitioner similar to that of Ku. Rattho Bai (supra).

4. Irrespective of whether the decision is correct in understanding and perspective of the earlier order, I do not find that the authority had any intention of flouting the order of the Court. It is different thing to say that the order does not correctly decide the issue and another thing to say that it is a case of willful disobedience.

5. Therefore, I find that it is not a case of initiating contempt proceedings. The petition is, therefore, dismissed. However, with liberty to the petitioner to challenge the order, by which, claim has been rejected in independent proceedings.

Sd/-
(Manindra Mohan Shrivastava)
Judge