

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 171 of 2017

J. P. Jaiswal S/o Shri Balram Prasad Jaiswal, Aged About 51 Years Presently Posted As Lecturer Govt. Accounts Training School, New Composite Building Bilaspur, District Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. M. K. Raut The Principal Secretary Government Of Chhattisgarh Panchayat And Rural Development Department, New Mantralaya, New Raipur, Chhattisgarh
2. Amitab Jain The Principal Secretary Department Of Finance & Planning New Mantralaya, New Raipur, Chhattisgarh
3. Janak Prasad Pathak, The Director, Treasury, Accounts And Pension Indravati Bhawan, Block-1, First Floor, New Raipur, Chhattisgarh

---- Respondents

Shri Sunil Kumar Soni, counsel for the petitioner/s.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

03/04/2017

Heard.

This is a petition filed for initiation of contempt proceedings against the respondent on the allegation that the interim order passed by this Court on 04/08/2016 has been disobeyed by the respondent in making internal correspondence which show that the departmental enquiry against the petitioner is going to be initiated against the petitioner.

2. After hearing learned counsel for the petitioner, I am not impressed with the submission. The documents which have been placed on record to allege contempt does not show which part of the interim order has been violated. Learned counsel for the petitioner failed to satisfy this Court that any order has been passed by the respondent disobeying the order of the Court. Unless any other order in the pending departmental enquiry is passed against him, it cannot be said that the

respondents have proceeded to initiate departmental enquiry. The order has to be rationally construed.

3. The other submission that departmental enquiry itself is a coercive step, I am afraid, stretches beyond the spirit of the interim order. The context in which the interim order was passed was that after completion of deputation period, departmental enquiry was proposed by the borrowing department even after repatriation to his parent department. Considering that, this Court passed an order that no coercive steps shall be taken against the petitioner pursuant to the impugned order. The intention of this Court was not to permit the borrowing department to impose any penalty in the pending enquiry. However, this Court did not say that the pendency of enquiry should not come in the way for grant of promotion. Pendency of an enquiry, according to Government's instruction, is a basis to keep recommendations in sealed cover.

4. Be that as it may, that would not amount to taking coercive steps in the context in which, interim order was passed by this Court. Unless any order imposing penalty is issued against the petitioner, I am not inclined to proceed further in the matter. The contempt petition is accordingly dismissed.

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