

HIGH COURT OF CHHATTISGARH AT BILASPURCONT No. 678 of 2017

1. Shiv Kumar Soni S/o Shyam Sundar Soni, aged about 46 years, R/o village & post Singhola, Police Station Lal Bag, Rajnandgaon, District Rajnandgaon (C.G.).
2. Mahesh Kumar Sahu S/o Dharamdas Sahu, aged about 30 years.
3. Manoj Kumar Nishad S/o Pardeshiram Nishad, aged about 37 years.
Both are R/o village Diwanjhitiya, Post Diwanbhedi, P.S.Dongargaon, District Rajnandgaon (C.G.).

---Petitioners

Versus

1. Ankit Anand, Managing Director, C.G.State of Power Distribution, Comp.Ltd.Dangniya, Raipur (C.G.).
2. A.K.Agarwal, Executive Director (O & M) CSPDCL, Raipur (C.G.).
3. Miland Devidar, Managing Director, M/s. JBS Enterprises Pvt.Ltd.Thane, South Mumbai (M.S.).

---Respondents

For petitioners	:	Shri K.P.S.Gandhi, Advocate.
For resp.No.2	:	Shri K.R.Nair, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/03/2018

1. Present contempt petition has been filed alleging deliberate and willful non-compliance of the order dated 08/03/2017 passed by this Court in WPS No.1144/2017. The operative part of the said order is reproduced herein under:-

“However, a perusal of record shows that the petitioners till date have not made any representation to the employer for redressal of their grievances. Without representation being made to the employer for redressal of grievance, this petition at

this juncture would be premature and the same is declined from being entertained. However, the petitioners are at liberty to approach the respondents by making a detailed representation in the light of judgment of Supreme Court in case of State of Punjab Vs. Jagjit Singh (Supra). In case such a representation is made, it is expected then the authorities concerned shall look into the matter and pass appropriate orders in accordance with rules. The petitioners are at liberty to re-agitate, if situation so warrants.”

2. From the aforesaid observation itself it is evidently clear that, this Court had not issued any specific writ against the respondents in the said Writ Petition. Rather this Court had declined to entertain the Writ Petition and had given the petitioner the liberty to approach the authorities by making a suitable representation. Such directions given by this Court can never be construed to be specific writ having been issued warranting compliance.

3. This Court thus is not inclined to entertain the contempt petition any further at this stage. This Court also is not inclined to entertain the contempt petition for the reason that, the writ Court while disposing of the Writ Petition had granted the liberty to the petitioner to re-agitate their claim in case if the situation so wants. Thus, the liberty of the petitioner to continue pursuing the respondents for redressal of his grievances.

4. Thus, this Court does not find any strong case made out for further proceedings with the contempt petition and the same is accordingly stands dismissed and the respondents stands discharged of contempt proceedings.

5. However, the reluctance by this Court in entertaining the Writ Petition would not preclude the petitioners in availing the other remedies available to them under law.

Sumit

Sd/-
(P. Sam Koshy)
JUDGE