

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 1 of 2018

Dr. Suresh Prasad Tiwari (S.P. Tiwari) S/o Late Shri K.P.Tiwari, Aged About 62 Years Posted As Principal, Government Boys Higher Secondary School, Mendrakala, Block Ambikapur, District Surguja, Chhattisgarh

---- Petitioner

Versus

1. R.L. Chouhan Posted As Additional Director, Directorate Of Public Instructions, Indravati Bhawan, New Raipur, Chhattisgarh
2. Sanjay Kumar Gupta, Posted As District Education Officer, Ambikapur, District Surguja, Chhattisgarh

---- Respondents

For Petitioner : Mr. Rahul Mishra, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

09/01/2018

1. This contempt petition has been filed by the petitioner alleging willful disobedience of the order dated 31-08-2017 passed in WPS No. 4358/2017.
2. Learned counsel for the petitioner would submit that when the petitioner was transferred vide order dated 14-08-2017, this Court considering that the petitioner is going to retire shortly, it is directed that the petitioner shall be allowed to continue at the present place of posting till he retires and the respondent shall modify the transfer order in respect of the petitioner. It is on record that the transfer order was cancelled by the Government vide order dated 06-10-2017.
3. Later on an order was passed on 20-11-2017 that as the petitioner's reappointment after his retirement was effective up to 31-03-2018 or till appointments of any other regular principal, appropriate steps be taken meaning thereby petitioner is required to demit the office. Thereafter, on

05-12-2017, the District Education Officer required the petitioner to hand over the charge.

4. According to the learned counsel for the petitioner this amounts to violating and circumventing order passed by this Court on 31-08-2017 because in the place of the petitioner, no fresh appointee has been posted, therefore, till fresh appointee comes, petitioner is entitled to continue at the same place.

5. After hearing learned counsel for the petitioner, I am of the view that the grievance raised by the petitioner irrespective of its own merits, can not be said to be a case of willful disobedience. The petitioner had approached this Court aggrieved by the transfer order. The petition was disposed off at the motion hearing stage itself without deciding other issues including issues as to whether the petitioner was entitled to continue till posting of a regular incumbent in his place vide order dated 14-08-2017. This Court in order to protect the petitioner till he retires granted stay. The transfer order was also cancelled. Therefore, subsequent actions directing the petitioner to demit from the office on the ground that the regular incumbent has been posted in place of the petitioner, can not be said to be an act of contempt. Though, learned counsel for the petitioner argued that as per the order of re-appointment passed on 09-08-2017, he is entitled to continue till 31-03-2018 or till a new regular appointment takes place, where posting of Smt. Bharti Verma as a regular principal in place of the petitioner would result in automatic termination of period of re-appointment, is required to be agitated by the petitioner in a separately constituted petition.

6. Therefore, with the aforesaid liberty, the petition is dismissed.

Sd/-

(Manindra Mohan Shrivastava)

Judge