

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 205 of 2018

Deenanath Sirsant S/o Shri Somnath Sirsant Aged About 59 Years
Sub-Engineer Rural Engineering Services, R/o Gram Faradfad,
Tahsil Dondilohara District Balod, Chhattisgarh, District : Balod,
Chhattisgarh

---- Petitioner

Versus

Shri R.P. Mandal Secretary To The Govt. Of Chhattisgarh,
Department Of Rural Engineering Services, Mantralaya, Mahanadi
Bhavan Naya Raipur, P.S. Rakhi, Raipur, Chhattisgarh, District :
Raipur, Chhattisgarh

---- Respondent

For Petitioner : Mr. A. D. Shrivastava, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

16/03/2018

1. This contempt petition has been filed by the petitioner alleging willful disobedience of the order dated 11-08-2017 passed in WPS No. 1051/2017 directing the respondents in the writ petition to consider revocation of suspension of the petitioner in the light of Supreme Court's order in the case of **Ajay Kumar Choudhary v. Union of India through its Secretary and another, (2015) 7 SCC 291.**
2. Learned counsel for the petitioner would submit that despite time bound direction given by the Court to consider representation within 60 days, till date nothing has happened in the matter. He has not been informed of the decision, if any, taken in the matter.
3. It appears from the records of the WPS No. 1051/2017 (disposed off), that the suspension order was issued by the Chief Engineer, Department of Rural Engineering Services, Raipur on 22-07-2014. Lateron, the petitioner sought indulgence of the State Government for revocation of suspension on the ground that charge sheet has not been issued within a

period of 90 days. This representation was rejected by the State Government on 12-05-2016 thereafter, petitioner had approached this Court.

4. Since, the revocation exercise is required to be undertaken by the authority, who suspended the petitioner, this Court intended the authority, who had suspended the petitioner to consider revocation. It appears that under bonafide belief that this aspect would require examination at the Government level the petitioner made representation to the Secretary of the State with a copy to the Chief Engineer and Additional Chief Secretary, Department of Panchayat Rural Development, Government of Chhattisgarh.

5. The order passed by this Court is required to be complied with by the Chief Engineer, Rural Engineering Services in the Office of Development Commissioner. Let the petitioner submit a fresh representation to the Chief Engineer, RES in the Office of Development Commissioner, Raipur. The obligation under order dated 11-08-2017 will have to be discharged by the Chief Engineer. The contempt petition is disposed off.

Sd/-

(Manindra Mohan Shrivastava)

Judge