

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 183 of 2017

1. Ramkrishna Mishra (R.K. Mishra) S/o Late Shri Ghanaram Mishra, Aged About 84 Years Retired Government Vaidya (Ayurveda Chikitsa Adhikari), R/o Brahmanpara, Kasdol, Thana And Post Kasdol, District Balodabazar-Bhatapara, Chhattisgarh.

---- Petitioner

Versus

1. Dr. G.S. Badesha Presently Working As Director Ayush, Department Of Health And Family Welfare, Indrawati Bhawan, Naya Raipur, Chhattisgarh.

---- Respondent

For Petitioner	Shri Vinay Pandey, Advocate
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For Respondent	Shri J.K. Shastri & Shri S.S. Tekchandani, Advocates
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Order On Board

By

Prashant Kumar Mishra, J.

20/04/2018

1. At the very outset, Shri J.K. Shastri, learned counsel appearing for the respondent/ contemnor, would submit that if an order is passed to the effect that the petitioner shall be paid arrears of salary including increments at par with what was allowed in favour of Dr. Onkar Nath Awasthi, the contemnor has no difficulty in making compliance of the order of the Court.
2. After hearing learned counsel for the contemnor, it appears the case of Jageshwar Prasad Deshmukh and Dr. Onkar Nath Awasthi is

similar for the reason that in the matter of Dr. Onkar Nath Awasthi, the Directorate of Indian Systems of Medicine & Homeopathy, Chhattisgarh, has issued an order on 9-10-2016 absorbing him on the post of Ayurved Medical Officer (Gazetted) w.e.f. 24-4-1988 and allowing the corresponding pay scale from August, 1989. Thus, Dr. Onkar Nath Awasthi was paid the arrears for the period prior to 1-11-2000. Petitioner's case is, therefore, similar to the case of Dr. Onkar Nath Awasthi.

3. In view of the above, the plea taken by the contemnor that for the period prior to 1-11-2000 it is the State of Madhya Pradesh who shall pay the arrears of increment does not appear to be *bona fide*.
4. However, since very small amount is involved, instead of punishing the contemnor for committing contempt of lawful authority of this Court, this petition is disposed of with an observation that if the contemnor complies the order passed this Court by treating the petitioner's case as similar to the case of Dr. Onkar Nath Awasthi within a period of six weeks from today, the contempt shall be deemed to be purged, failing which it will be open for the petitioner to initiate fresh contempt proceedings against the respondent.

Sd/-
Judge
Prashant Kumar Mishra

Gowri