

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 525 of 2018

Harshvardhan Rao Bhosle S/o Late Malhar Rao Bhosle Aged About 54 Years Working As Upper Division Teacher, Higher Secondary School, Kotmisonar (Akaltara), District Janjgir-Champa, Chhattisgarh, R/o Near The Janakdev Mishra, Bandhwapara, Sarkanda, Bilaspur, District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

Dr. Prafull Sharma Principal, Higher Secondary School, Kotmisonar, District Janjgir-Champa, Chhattisgarh (Contemnor), District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant : Shri K.S. Pawar with Shri Shashi Kushwaha, Advocates
For Respondent : Shri Prateek Sharma, Advocate

Respondent is also present in the Court.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/09/2018

Heard.

1. Willful disobedience of the interim order dated 1.8.2017 passed in WPS No.2984 of 2017 filed by the petitioner is alleged on the ground that while reverting the petitioner to lower post of Lab Assistant under the order impugned in the writ petition, respondent has flouted the order because according to the petitioner, putting the petitioner on lower pay scale and lower post, amounts to recovery which was stayed.
2. The petitioner was reverted from the post of Upper Division Teacher to the post of Lab Assistant vide order dated 22.6.2017 (Annexure P-5 filed in WPS No.2984 of 2017). When the matter came up for hearing before this Court, an

interim order of limited nature was passed in favour of the petitioner in the manner that till the next date of hearing, no coercive steps shall be taken against the petitioner towards recovery. This was a common order passed in bunch of petitions including the case of the petitioner. This order did not stay the order of reversion but the only order was that no recovery be made from the petitioner because the petitioner apprehended that on account of reversion, he may not only be lowered to a lower post and salary but recovery against higher salary paid earlier may also be initiated.

3. During course of arguments, it was submitted before the Court that in WPS No.5891 of 2017 filed by the petitioner, an interim order was passed that the order of reversion shall remain stayed.
4. In this contempt petition filed on affidavit, there is no mention of the order dated 7.11.2017 passed in WPS No.5891 of 2017. In this petition, there is no allegation that the order dated 7.11.2017 passed in WPS No.5891 of 2017 was violated. Therefore, in so far as present contempt petition is concerned, the same appears to be misconceived and is therefore dismissed.
5. This would leave the petitioner with liberty to file separate petition for contempt if he alleges that the order dated 7.11.2017 passed in 5891 of 2017 was willfully disobeyed.

Sd/-
(Manindra Mohan Shrivastava)
Judge