

HIGH COURT OF CHHATTISGARH, BILASPUR

Contempt Case (C) No.626 of 2017

1. S.D. Sharma S/o Late Shri Deodhar Sharma Aged About 62 Years Block Extension Training Officer, B. E. T. O., R/o 185, Harshrinagar, Rajkishore Nagar, Bilaspur, P.S. Masturi, District Bilaspur, Chhattisgarh.
2. R.N. Rajpoot, S/o Shri U. S. Rajpoot, Aged About 57 Years Block Extension Training Officer B.E.T.O., R/o E -3, F. W. Training Centre Campus, Seepat Road, Sarkanda, Police Station Sarkanda, District Bilaspur, Chhattisgarh.
3. P.R. Verma S/o Shri K. N. Verma, Aged About 60 Years Block Extension Training Officer B. E. T. O., R/o Shubhash Nagar, Goudpara, Old Maharashtra Bank Building, Police Station City Kotwali, District Bilaspur, Chhattisgarh.

... Petitioners

Versus

Shri Subrat Sahu Presently Posted As Secretary, Health and Family Welfare Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.

... Respondent

For Petitioners	:	Shri Mateen Siddique, Advocate.
For Respondent	:	Shri D.K. Wankhede, Advocate.

Hon'ble the Chief Justice
Hon'ble Shri Justice P. Sam Koshy
Order on Board

Per, P. Sam Koshy, J.
06/04/2018

1. Alleging willful and deliberate non compliance of order dated 19.04.2017 passed by this court in Writ Petition (S) No.3952 of 2015, the present contempt petition has been filed.
2. While passing the order, this court has made following observations:

"4. For the following reasons, this writ petition is ordered directing that the rules mentioned in Annexure-R/A dated 16.9.2016, as proposed, shall be finalized without delay,

at any rate within an outer limit of two months from today. There upon, it shall be duly published as required by the laws. Following that, the case of the Petitioners and all other persons entitled to consideration of their case shall be taken up by the Government either on the basis of contents of this writ petition or on representations and appropriate decision shall be issued in the light of the amended rules. This exercise shall be carried out and final decision in relation to each of the Petitioners shall be issued within a further period of two months without fail. All the cases of notional promotion which may be available regarding persons who have retired by this time shall also be considered in accordance with law.”

3. During pendency of the contempt petition, the respondent has filed reply along with document dated 26.03.2018 (Annexure R/1) whereby it is reflected that the ambiguity which was detected in The Chhattisgarh Health and Family Welfare Department Non-Ministerial Para-Medical and Nursing (Directorate, Health Service) Class-III Service Recruitment Rules, 2013, have been removed. In the said order it is also mentioned that after removal of the ambiguity, the cases of those employees who had retired during the intervening period between 2014 to 2018 have been considered for promotion. The respondent in the said order have also stated that after filling up of the vacant posts, as per 100 point roster, the petitioners were found in the zone consideration, but could not be granted promotion for want of vacancies.
4. Given the aforesaid facts and circumstances of the case and the order dated 26.03.2018 of the State Government, this court does not find any willful non-compliance of the order dated 19.04.2017 so as to proceed further in the matter initiating contempt proceeding

against the respondent and this court finds the order passed by this Bench fully complied with.

5. Accordingly, the present rule stands discharged and the contempt proceeding is dropped against the respondent. However, reluctance to proceed further with the contempt proceedings would not preclude the petitioner from availing other legal remedies available to him under law.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge

inder