

HIGH COURT OF CHHATTISGARH AT BILASPURCONT No. 706 of 2018

R.K.Trivedi S/o Late S.D.Trivedi, aged about 63 years, R/o 38, Bimal Avenue, Amlidih, V.I.P. Road, Raipur, District Raipur (C.G.).

---Petitioner

Versus

1. Shri Amitabh Jain, Principal Secretary, Government of Chhattisgarh, Department of Commercial Tax, Mahanadi Bhavan, Naya Raipur, District Raipur (C.G.).
2. Ms. Sangeetha P. Commissioner Commercial Tax, Commercial Tax Office, Civil Lines, Raipur, District Raipur (C.G.).

---Respondents

For petitioner : Shri Jitendra Pali, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17/07/2018

1. The present contempt petition has been filed alleging willful disobedience of the orders passed by this Court in WPS No.888/2017 dated 21/02/2017 as well as in WPS 1200/2017 dated 10/03/2017.
2. The contention of the counsel for the petitioner is that, pending the petition before this Court, the petitioner has superannuated and subsequent to his superannuation, the petitioner has been paid only 90% of the pension amount payable to him whereas all the other retiral dues have been withheld by the respondents. This according to the counsel for the petitioner is nothing but a willful disobedience on part of the respondents for the reason that, when this Court has stayed the further proceedings of the departmental

enquiry, the respondents are duty bound to release the retiral dues payable to the petitioner on his superannuation.

3. Perusal of the two impugned orders dated 21/02/2017 and 10/03/2017 passed in WPS Nos. 888/2017 & 1200/2017 respectively would show that, the interim order passed by this Court was only to the extent of staying of the effect and operation of the chargesheet issued on the petitioner which otherwise mean that there shall be a stay of the further proceedings of the departmental enquiry initiated against the petitioner.

4. On a query being put to the counsel for the petitioner, he fairly submits that, the respondents have not proceeded further with the departmental enquiry after the interim orders have been passed by this Court.

5. In the opinion of this Court, the fact that the respondents have not proceeded with the departmental enquiry itself is compliance of the order passed by this Court.

6. As regards the fact that the petitioner has not been paid his gratuity and other retiral dues payable to him except for the pension which has been released, this Court does not find the same to be an act which would fall within the ambit of contempt of the order passed by this Court for the reason that, this Court had never ordered for releasing of the retiral dues to the petitioner whereas the interim order was confined only to the further proceedings in the departmental enquiry initiated against the petitioner.

7. This Court does not find the action on part of the respondents as alleged to be an act which can be brought within the purview of contempt jurisdiction.

8. The petitioner would be at liberty to avail appropriate remedies in the Writ Petition pending before the Writ Court or in other proceedings as deemed fit.

9. The contempt petition thus being devoid of merit deserve to be and is accordingly dismissed.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit