

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 547 of 2018**

Dr. Gyanesh Kumar Chaubey S/o Babulal Gyanesh Kumar Chaubey, Aged About 61 Years Working As Medical Officer (Eye Specialist), And Posted At District Hospital, Kondagaon, District Kondagaon Chhattisgarh ---- **Applicant**

Versus

Subrat Sahu Secretary, Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh**Respondent**

For Applicant : Mr.Ajay Shrivastava, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****03.08.2018**

Heard.

1. This application has been filed by the applicant seeking recall of order passed by this Court on 29.06.2018 on the ground that the contempt petition was earlier disposed off and the Rule was discharged in view of the statement of the respondent, therein, that the order has been complied with, whereas, in fact, order has not been fully complied with. It is submitted that though the petitioner has been granted promotion and a seniority from due date, has also been granted, the actual monetary benefits which have not been given but rejected.
2. I find that when in the writ petition while passing final order, this Court had directed that if no adverse material as found against the petitioner in the service record and ACR for relevant five years preceding the date of DPC as on 07.12.2006, the petitioner shall be granted due promotion from the same date from which his juniors were promoted by order dated 06.01.2007 with all consequential benefits.
3. Vide order dated 25.06.2018, the petitioner has also been granted promotion from due date, however, according to the petitioner, the consequential benefits would also include the monetary benefits which the petitioner would have got but for denial of his promotion from due date.
4. This Court has closed the contempt matter. Considering that promotion has been granted and seniority has also been given but monetary benefits are claimed on the ground that there was a direction for grant of consequential benefit, it would be appropriate that this matter is taken by filing a separate writ petition.
5. The MCC is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge