

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**Contempt Petition (C) No. 1228 of 2018**

Pradeep Kumar Sharma S/o Late Shri Madhav Sharan Sharma,
Aged About 53 Years, Lecturer, In Higher Secondary School, At
Present Working As In Charge Block Education Officer, Deobhog,
Gariyaband, R/o Deobhog, Tahsil Deobhog, District Gariyaband
Chhattisgarh

---- Petitioner**Versus**

1. Mr. Gourav Dwivedi, Secretary, School Education Department,
Mantralaya, Mahanadi Bhawan, New Raipur, Chhattisgarh
2. Miss Rita Shandilya, Secretary, General Administration Department,
Mantralaya, Mahanadi Bhawan, New Raipur Chhattisgarh
3. Mr. S. Prakash, The Director, Public Instruction, Office Of
Directorate, Public Instruction, Indrawati Bhawan, Atal Nagar, Raipur
Chhattisgarh
4. Mr. Shyam Dhawde, Collector, Gariyaband, District Gariyaband
Chhattisgarh
5. Shri Ramnath Sahu, Lecturer, Posted In Government Higher
Secondary School, Ghuravand, Block Nagari, District Dhamtari
Chhattisgarh
6. Mr. S. L. Ogare, District Education Officer, Gariyaband, District
Gariyaband Chhattisgarh.

---- Respondents

For Applicant	:	Mr. Manoj Kumar Dubey, Advocate
For Respondents	:	Mr. Vipin Tiwari, Advocate

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

13/12/2018

The present contempt petition has been filed alleging the willful deliberate non-compliance of the directives given by this Court in WPS No. 6953/18 dated 12.10.2018.

2. The dispute revolves around the transfer order dated 04.10.2018 whereby the petitioner has been transferred from Deobhog, Gariyaband to Magarlod, Dhamtari. This Court while disposing of the writ petition had granted interim protection to the petitioner and directed the respondents to decide the representation of the petitioner at the earliest.

3. The grievance of the petitioner is that the interim protection granted by this Court was not honoured by the respondents in as much as the respondents refused to grant joining to the petitioner on the ground that the petitioner already stood relieved from service on 05.10.2018.

4. This Court prima facie is of the opinion that the view taken by the respondents is contemptuous and totally undesirous and unappreciable. This Court has very clearly stated that till the election duties are complete, there shall be a stay of the effect and operation of the impugned order. This by itself means that the respondents even if they had relieved the petitioner, the effect and operation would remain stayed. Hence, this Court is of the firm view that the act on the part of the respondents clearly falls within contempt of the court order.

5. However, counsel for the respondents submits that in due course of time, the representation of the petitioner has been finally decided vide order dated 04.12.2018 and the representation has since been rejected.

6. Given the fact that the respondents have decided the matter finally, this Court is of the opinion that the interim protection granted to the petitioner by efflux of time has lost its efficacy. Therefore, this Court is not inclined to proceed further with the contempt proceedings at this juncture.

7. However, it is made clear to the counsel appearing for the respondents that such action on the part of the respondents was totally not appreciable and the counsel for the respondents is directed to instruct the respondents accordingly to be careful in future.

8. Reserving the right of the petitioner to challenge the subsequent development by way of a fresh proceeding, the present contempt proceeding stands dropped at this stage. Accordingly, the contempt petition stands disposed of.

**Sd/-
(P. Sam Koshy)
Judge**