

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 335 of 2015**

R. M. Patel S/o Late Bhupdev Singh Patel Aged About 63 Years O/o
The Divisional Forest Officer, Raigarh Division, Raigarh Chhattisgarh
R/o M-2, Songanga Colony, Sarkanda, Bilaspur District Bilaspur
Chhattisgarh.

---- **Petitioner****Versus**

Shri R. P. Mandal, The Secretary, State Of Chhattisgarh, Department Of
Forest, Mantralay, Mahanadi Bhawan, Naya Raipur Chhattisgarh.

---- **Respondent**

For Petitioner:
For Respondent:

None.
None.

Single Bench: Hon'ble Shri Sanjay Agrawal, J
Order On Board

25.01.2019

1. This Contempt Petition has been filed under Article 215 of Constitution of India read with Section 12 of the Contempt of the Courts Act for non compliance of the order passed by this Court on 26.11.2014.
2. Briefly stated the facts of the case are that a writ petition was filed by the Petitioner questioning the order dated 05.07.2012, whereby the suspension period of the Petitioner has been treated as "no work no pay". In he said Writ Petition, this Court has passed the order on 26.11.2014 by directing Respondent No. 1 to decide the appeal/representation preferred by the Petitioner within a period of two months from the date of the receipt of the order dated 26.11.2014. In pursuance of the said order, the Petitioner had submitted a representation along with the copy of the order and also copy of the writ petition along with its annexures. However, the order as passed by this Court on 26.11.2014 has not been complied with, therefore, the Petitioner has

brought this fact to the knowledge of this Court.

3. In response to the contempt petition, the respondent while tendering his unconditional apology, has submitted that in compliance of the order dated 26.11.2014 passed in the said Writ Petition, the Petitioner has submitted the representation and after considering the same, the Respondent has decided the appeal vide order dated 31.08.2015 and the Review Petition preferred there against was also decided vide order dated 23.09.2015. He submits further that though there is some delay in complying with the said order, however there was no intention to disobey the same and the delay has occurred bonafidely.

4. After considering the aforesaid averments made in the Petition as well as in the reply, it appears that the order as passed by this Court on 26.11.2014 has already been complied with by the Respondent by deciding not only the appeal/representation vide order dated 31.08.2015 but also the Review Petition preferred there against vide order dated 23.09.2015. Although there is some delay in complying with the said order but in view of the facts, it appears that the delay was not intentional and has occurred bonafidely and in absence of willful default, I am not inclined to draw the contempt proceedings.

5. The Contempt Petition is, accordingly, dismissed.

Sd/-

(Sanjay Agrawal)
JUDGE