

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 168 of 2019

P.S. Shrivastava S/o Late Nohar Lal Shrivastava Aged About 62 Years Retired Assistant Director Agriculture, Rajnandgaon, R/o Divyam House, Near Rly Crossing Balod, District- Balod, Chhattisgarh., District : Balod, Chhattisgarh

---- Petitioner

Versus

1. M. S. Kerketta Director Agriculture, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. A. K. Banjara Deputy Director Agriculture, Rajnandgaon, District- Rajnandgaon, Chhattisgarh.....(Contemnor), District : Rajnandgaon, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Sushil Dubey, Advocate
For Respondents	:	Shri Anup Majumdar, Advocate

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/11/2019

1. This contempt petition has been filed by the petitioner alleging willful disobedience of the order dated 18.5.2018 passed in the writ petition filed by the petitioner and batch of petitions.
2. Learned counsel for the petitioner would argue that while deciding petitioner's claim for refund against recovery, the respondent- authority has not duly considered the petitioner's claim that though he had retired as Class-II employee, the period in respect of which recovery has been made, he was Class-III employee. It is also submitted that the earlier resolution passed by the Committee followed by order dated 28.06.2016 could not be made a basis to reject petitioner's claim.
3. On the other hand, learned counsel for the respondent would argue that earlier the petitioner had already approached this Court and in his Writ Petition No.1861 of 2016, an order was passed on 13.5.2006 directing

consideration of his case by the Committee constituted under the orders of this Court in *Baijnath Mandal Vs. The State of Chhattisgarh & others* (WP No.4642 of 2004). Petitioner's claim was examined and it was found that no refund was permissible. It is argued that the authority while examining petitioner's claim for refund in compliance of the direction passed in the second round of petition, vide order dated 18.5.2018, has taken into consideration the earlier decision of the Committee and has found that petitioner's claim for refund is not tenable.

4. The decision taken by the respondent-authority does not appear to be an act of willful disobedience of the order. Rightly or wrongly, respondent-authority has applied its mind and taken a decision. Therefore, in these circumstances, no contempt is made out.
5. I leave the petitioner to work out his remedy in another forum, if he is aggrieved by order dated 28.1.2019 (Annexure R-3).
6. With the said observations, the petition is closed.

Sd/-
(Manindra Mohan Shrivastava)
Judge