

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CONT No. 257 of 2019

1. Khudiram Chakrabarty, S/o Shri Harlal Chakrabarty, Aged About 61 Years, Working As Compounder At ITI Mana Camp Raipur, District Raipur, Chhattisgarh

---- Applicant

Versus

1. Renuji Pillai, Secretary Department Of Employment And Training, Mahanadi Bhawan Mantralaya, Atal Nagar, District Raipur, Chhattisgarh

---Respondents

For Applicant	:	Mr. Vinod Deshmukh, Advocate.
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For Respondent	:	Mr. Saleem Kazi, Dy. A.G. Advocate
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Hon'ble Shri Justice P. Sam Koshy

Order on Board

19.08.2019

1. The present Contempt Petition has been filed alleging non-compliance of the Order dated 09.10.2018 passed in WPS No. 6711 of 2018.
2. The direction given by this Court was to decide the representation which the applicant/petitioner had filed in respect of his grievance in granting monetary benefits of revised pay-scale which he was entitled for from 01.04.2006 to 01.01.2016. The respondents have filed their reply and an additional reply also showing that the representation of the petitioner/applicant has been considered by the respondents authorities. Since, there was no specific order deciding the representation, the authorities vide the previous order of this Court was directed to pass a specific order deciding the representation.

3. Mr. Saleem Kazi, Dy. A.G. appearing for the respondent today brought on record a document dated 16.08.2019, which is an order passed by the Director, Department of Employment and Training. Vide the said order, he has held that the representation of the petitioner/applicant stands decided and it has been ordered by the authorities that the petitioner/applicant would not be entitled for the benefits as is claimed by him.
4. The counsel for the applicant/petitioner submits that the order does not show any application of mind nor does it refer to the dispute which the petitioner/applicant in fact had raised ie., granting of monetary benefits between 01.04.2006 to 01.01.2016. That since the substantive direction by this Court was for deciding the representation, and the respondents having decided the representation and have ordered that the applicant/petitioner is not entitled for the monetary benefit, the same becomes fresh cause of action. The veracity of that order cannot be decided or tested under the contempt jurisdiction of this Court in a contempt proceedings. If at all, the petitioner/applicant is of the opinion that the order has not been properly passed or has been illegally rejected, the remedy available to the applicant/petitioner is to challenge the subsequent decision as a fresh cause of action, by way of a fresh writ petition. Reserving the right of the applicant/petitioner for the same.
5. The present Contempt Petition in its present form stands disposed off.

Sd/-
(P. Sam Koshy)
Judge