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HIGH COURT OF CHHATTISGARH AT BILASPUR

Contempt Case (C) No. 341 of 2019

Smt. Sundari John W/o Late Shri Rupesh John Aged About 42 Years R/o Vievekanand Adivasi Hospital, Dharampura, No. 1, Jagdalpur, Police Station Jagdalpur, District Bastar Chhattisgarh.

---- Petitioner(s)

Versus

1. Devi Dayal Singh Secretary & Commissioner Scheduled Caste, Scheduled Tribe and Bakward Class Welfare Department, Mantralaya, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. Dr. Tamboli Ayyaj Phakribhai Collector Jagdalpur, District Bastar Chhattisgarh.
3. Anand G. Singh Assistant Commissioner Tribal Development, Jagdalpur, District Bastar Chhattisgarh.
4. Swami Vimuktananda Secretary Ramkrishna Sarada Sevashram Dharampura, Jagdalpur, District Bastar Chhattisgarh.

---Respondents

&

Contempt Case (C) No. 342 of 2019

1. Nilesh Parihar S/o Shri D S Parihar Aged About 44 Years R/o Aam Bagicha Dhera, Mahadeghat Para, Shiv Mandir Ward, Police Station- Jagdalpur, Jagdalpur, District Bastar, Chhattisgarh.
2. Dr. Ramesh Sahu S/o Late Shri K. L. Sahu Aged About 48 Years R/o Shanti Nagar, Church Road, Near Durga Mandir, Police Station- Jagdalpur, Jagdalpur, District Bastar, Chhattisgarh.
3. Smt. Anita Pillai W/o Shri Suresh Pillai Aged About 50 Years R/o Aashram Road, Dharampura No. 1, Ward No. 38, Atal Bihari Bajpai Ward, Police Station- Jagdalpur, Jagdalpur, District Bastar, Chhattisgarh.
4. Smt. Bindu Menon W/o Shri Radhakrishna Menon Aged About 40 Years R/o Mahavir Nagar, Dharampura No. 1, Police Station- Jagdalpur, District Bastar, Chhattisgarh.
5. Smt. Dorthi Peter W/o Shri Dinesh Peter Aged About 51 Years R/o Shanti Nagar Ward, Frajerpur, Police Station- Jagdalpur, District Bastar, Chhattisgarh.
6. Kishore Sahu S/o Late Shri Gaurang Sahu Aged About 47 Years R/o Near M. G. M. School, Kangoli, Dharampura, Police Station- Jagdalpur, District Bastar, Chhattisgarh.
7. Smt. Lalita Bar W/o Late Shri B. D. Bar Aged About 56 Years R/o Vivekanand Adivasi Hospital, Dharampura No. 1, Police Station- Jagdalpur, District Bastar, Chhattisgarh.
8. Munna Lal Baghel S/o Late Shri Goncha Baghel Aged About 40 Years R/o Mahrapara, Dharampura No. 1, Police Station- Jagdalpur, District Bastar, Chhattisgarh.
9. Mangal Sai Yadav S/o Shri Baisakhu Yadav Aged About 45 Years R/o Kewat Para, Dharampura No. 1, Police Station- Jagdalpur, District Bastar, Chhattisgarh.

10. Dharamdas Nag S/o Shri Sukaldas Nag Aged About 43 Years R/o Near Primary School, Dharampura No. 1, Police Station- Jagdalpur, District Bastar, Chhattisgarh.
11. Venkatesh Shetty S/o Late Shri Manikram Shetty Aged About 40 Years R/o Sanjay Market, Indira Ward, Police Station- Jagdalpur, District Bastar, Chhattisgarh.
12. Ku. Rajti Shetty D/o Shri Nadeshan Shetty Aged About 40 Years R/o Sanjay Market, Indira Ward, Police Station- Jagdalpur, District Bastar, Chhattisgarh.
13. Pradep Kumar Ghosh S/o Late Shri A. N. Ghosh Aged About 52 Years R/o Ganganagar Ward, Geedam Road, Police Station Jagdalpur, District Bastar, Chhattisgarh.

---- Petitioner(s)

Versus

1. Devi Dayal Singh Secretary & Commissioner Scheduled Caste, Scheduled Tribe and Bakward Class Welfare Department, Mantralaya, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. Dr. Tamboli Ayyaj Phakribhai Collector Jagdalpur, District Bastar Chhattisgarh.
3. Anand G. Singh Assistant Commissioner Tribal Development, Jagdalpur, District Bastar Chhattisgarh.
4. Swami Vimuktananda Secretary Ramkrishna Sarada Sevashram Dharampura, Jagdalpura, District Bastar Chhattisgarh.

---Respondents

For Petitioners	:	Shri SP Kale, Advocate.
For State	:	Shri Jitendra Pali, Dy. Advocate General.
For Respondent 1 to 3	:	Shri C Jayant K Rao, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20.11.2019

1. Since common facts and issues are involved and the order impugned also being common in both the contempt petitions, they are being disposed of this common order.
2. Both the Contempt petitions have been filed alleging non compliance of the order dated 30.10.2018 passed by this court in WPS Nos. 4195 of 2017 and 4705 of 2017 respectively. Direction by this court vide order dated 30.10.2018 was, the respondents to ensure that salary of the petitioners for the period they have worked, be released to them.

3. The respondents subsequent had filed reply whereby they have stated that initially they had no funds to release salary to the petitioners. Subsequently, they have got funds and salary have been released to the petitioners up till 28.10.2017. According to the respondents, thereafter the Hospital stands closed and therefore the salary part is not being released to the petitioners since they have not worked thereafter.
4. This court, vide order dated 19.09.2019 had directed that the concerned Collector should take a surprise visit at the Hospital without intimation to any of the parties and submit a report with regard to factual position of the Hospital as it stands.
5. The Collector, vide his report dated 31.10.2019 had submitted that on 23.10.2019 he made a surprise visit at the Hospital and thereafter he has narrated the factual position of the Hospital as it stands in his report. According to him, the condition of the Hospital reflected that it was closed for quite sometime. He thereafter got the Hospital opened and inspected and he found an Almira which was locked and on opening the same he got certain Registers wherein entries were made only up till 2017 and not beyond that. In the report, the Collector has further narrated that he has inquired from the nearby residents in respect of the Hospital and who have informed him that the Hospital stands closed for about two years.
6. Given the factual reports submitted by the Collector and also taking note of the reply of the respondents that they have cleared salary part of the petitioners till October, 2017, which is not disputed by the petitioners, this court is of the opinion that the order dated 30.10.2018 passed by this court stands complied with. Rest of the reliefs that the petitioners intend to obtain would be one which would have to be obtained under the writ jurisdiction from the writ petitions which are pending consideration before

this court. Contempt petition cannot be converted into another writ petition or be used for obtaining further relief to the petitioners.

7. Reserving the right of the petitioners to seek appropriate relief in the pending writ petitions, both the contempt petitions stand disposed of. Shri Jitendra Pali, Deputy Advocate General is directed to bring on record the report of the Collector dated 31.10.2019.

Sd/-
(P. Sam Koshy)
Judge

inder