

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**CONT No. 336 of 2019**

1. Laxmi Narayan Dubey, S/o Shri J.P. Dubey, Aged About 58 Years,  
Assistant Professor Economics Government Mata Shabari Naveen  
Girls P G College, Bilaspur, District : Bilaspur, Chhattisgarh

**---- Applicant**

**Versus**

1. Shri Surendra Kumar Jaiswal, Secretary To The Government Of  
Chhattisgarh, Department Of Higher Education, Indrawati Bhawan,  
Atal Nagar - Raipur, District : Raipur, Chhattisgarh

**---Respondent**

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|---------------|---|-------------------------------------|
| For Applicant | : | Mr. Anurag D. Shrivastava, Advocate |
| For State     | : | Mr. Jitendra Pali, Dy. Adv. General |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**21.11.2019**

1. The present Contempt Petition is filed alleging non-compliance of the Order dated 20.07.2018 passed in WPS No. 1720 of 2008 by this Hon'ble Court.
2. The writ petition was filed challenging the order dated 13.02.2008; whereby the petitioner was inflicted with punishment of three annual increments without cumulative effect. This Hon'ble Court had allowed the writ petition and quashed the order of punishment, thereby the petitioner became entitled for the three annual increments.
3. The applicant/petitioner has filed the present contempt petition alleging non-compliance of the said order. Per contra, the

respondents have filed their reply and submitted that the three annual increments have not been deducted. According to the counsel for the respondent, the punishment order could not be implemented inasmuch as inadvertently while implementing the benefits arising out of the revision of pay that took place from 01.01.2006, the petitioner/applicant has been granted the benefit of revised pay-scale, without making any deductions, so far as the punishment order dated 13.02.2008 is concerned.

4. At this juncture, the counsel for the petitioner/applicant submits that the revision of pay came into force in the year 2010 w.e.f., 01.01.2006. During the intervening period, the petitioner has been denied the annual increment receivable by him for the year 2009, which fell due on July, 2009.
5. From the aforesaid contentions of the counsel for the applicant, it is apparently clear that the applicant/petitioner has been granted the annual increment for the other two years.
6. Given the said facts, this Court is of the opinion that the Order passed by this Court stands complied-with.
7. However, so far as the contention of the counsel for the applicant/petitioner is concerned, as regards non-receiving of the annual increment for the year 2009, which fell due in July, 2009 is concerned, the said facts is one which can be duly verified by the respondent. The respondent/contemnor is directed to re-verify the annual increment payable to the petitioner/applicant, particularly ascertaining whether the petitioner/applicant has been granted the

benefit of annual increment for the year 2009 as regards the increment, which fell due in July, 2009 and in case, if the same is actually paid to the petitioner/applicant then nothing further has to be done.

8. However, in case if there was a stoppage of one annual increment given effect to in 2009 or applicant was denied of the said benefit and if the said benefit has not been extended to the petitioner/applicant while implementing the revised pay-scale and grant of arrears by the respondents thereof, the said difference should be paid to the petitioner/applicant, at the earliest.
9. With the aforesaid observations, the present Contempt Petition stands disposed-off.

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