

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Contempt Case (Civil) No. 278 of 2011***{Arising out of Order dated 16.03.2011 passed in Writ Petition (S) No. 1431 of 2011
the learned Single Judge}*

Deepak Khapekar, Aged about 43 years, S/o Shri Shrawan Khapekar, P. No. 300482, BE (Electronics) Assistant General Manager, Power Systems Department, Bhilai Steel Plant, Steel Authority of India Limited, R/o House No. B-05, Chouhan Town, Junwani Road, Bhilai, Tahsil and District Durg, Chhattisgarh.

---- Petitioner**Versus**

1. Shri Pankaj Gautam, Managing Director/Chief Executive Officer, Bhilai Steel Plant, Steel Authority of India Limited, Ispat Bhawan, Bhilai Nagar, Tahsil and District Durg, Chhattisgarh.
2. Shri K. Harinarayana, Dy. General Manager (Incharge) Power Systems Department, Bhilai Steel Plant, Bhilai Nagar, Tahsil and District Durg, Chhattisgarh.

---- Respondents

For Petitioner : Shri V.G.Tamaskar, Advocate.

For Respondents/Contemnors: Dr. N.K.Shukla, Senior Advocate with Shri Priyankesh Chandrakar, Advocate.

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice**Hon'ble Shri P. Sam Koshy, Judge****Order on Board****Per P. Sam Koshy, J****29/11/2019**

1. The present contempt petition has been preferred alleging non-compliance of the interim order dated 16.03.2011 passed by the learned Single Judge in Writ Petition (S) No. 1431 of 2011.
2. Initially, a writ petition was filed by the Petitioner seeking for protection from apprehended termination from service. The learned Single Judge, on

16.03.2011 had granted an interim order to maintain status quo so far as service of the Petitioner was concerned. The contention of the learned counsel for the Petitioner is that though there is an order of status quo in his favour, the Respondents/Contemnors have not complied with the same till date.

3. The Respondents/Contemnors were called upon to submit their reply and in their reply, they have specifically stated that by the time interim order dated 16.03.2011 was communicated to the Respondents, the services of the Petitioner already stood terminated on 11.03.2011 and the Petitioner was apprised of the same and it was served upon the Petitioner. When he refused to accept, a registered intimation was also sent at his residential address on 14.03.2011 which too was returned back with an endorsement that the Petitioner has "left and not known". The endorsement is dated 15.03.2011.
4. The aforesaid details provided by the Respondents/Contemnors is sufficient to draw an inference that by the time interim order of status quo was granted by the learned Single Judge on 16.03.2011, the order of termination had already come into force. The Petitioner subsequently challenged the order of termination by way of a separate petition before the Central Administrative Tribunal, being T.A. No. 59 of 2013, which stood decided on 11.03.2016 against which the Petitioner had preferred a writ petition before this Court vide Writ Petition (S) No. 1387 of 2016.
5. In view of the fact that the termination order dated 11.03.2011 having been challenged by a separate set of writ petition and the fact that the said termination order has already come into force and that the interim order was passed by the learned Single Judge on 16.03.2011, we are of the opinion that no contempt as such is made out for proceeding further against the Respondents/Contemnors.

6. Accordingly, the contempt petition stands disposed of discharging the Respondents/Contemnors of the contempt proceedings.

Sd/-
(P.R. Ramachandra Menon)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE

Amit