

HIGH COURT OF CHHATTISGARH AT BILASPUR

CONT No. 583 of 2016

1. Smt. Urmila Devi W/o Late Jeevan Lal Choudhary, Aged About 65 Years
R/o Village- Teka, Tahsil And District Raigarh, Chhattisgarh, Chhattisgarh
2. Madhusudan Choudhary S/o Late Jeevan Lal Choudhary, Aged About 46
Years R/o Village- Teka, Tahsil And District Raigarh, Chhattisgarh, District :
Raigarh, Chhattisgarh

---- Petitioners

Versus

1. Alarmel Magai Di Posted As Collector, Raigarh, District Raigarh,
Chhattisgarh, Chhattisgarh
2. Emil Lakra, Posted As Commissioner, Scheduled Caste And Scheduled
Tribe Development Department, Raipur, Chhattisgarh, District : Raipur,
Chhattisgarh
3. Sankalp Sahu, Posted As Assistant Commissioner, Scheduled Caste And
Scheduled Tribe Development Department, Raigarh, District Raigarh,
Chhattisgarh, District : Raigarh, Chhattisgarh
4. R. M. Heeradhar, Posted As District Education Officer, Raigarh,
Chhattisgarh, District : Raigarh, Chhattisgarh
5. I. S. Parihar, Posted As Joint Director, Treasury, Accounts And Pension,
Bilaspur, District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh
6. L. N. Patel, Posted As Block Education Officer, Kharsia, District Raigarh,
Chhattisgarh, District : Raigarh, Chhattisgarh
7. R. P. Aditya, District Education Officer, Raigarh, District Raigarh,
Chhattisgarh.

---- Respondents

For Petitioner	:	Shri H. S. Patel, Advocate.
For Respective Respondents	:	Shri A. S. Kachhawaha, Shri Vipin Tiwari & Shri Pawan Shrivastava, Advocates

Hon'ble Shri Justice P. Sam Koshy
Order on Board

25/06/2019

1. The present contempt petition has been filed alleging wilful non compliance of the order dated 10.05.2016 passed in WPS No. 4721/2007.
2. This Court vide its order dated 10.05.2016 had directed the respondents to consider the claim of the petitioner for grant of second time bound promotion. Since respondents did not act upon the order timely, the petitioners were forced to file contempt petition. The contempt petition was filed in 2016. After much persuasion and on the orders of this Court, respondents now have filed an affidavit along with documents showing that they have infact complied with the order. The respondents have passed an order on 08.08.2018 deciding in favour of the petitioner holding him entitled for the second time bound promotion. That as a consequence the employee has been ordered to be entitled for Rs. 5,361/- as difference of wage from 01.04.2005 till the employee attained the age of Superannuation on 31.03.2007. Two orders in this regard passed by the respondents i.e. District Education Officer, Raigarh & Block Education Officer, Kharsia is brought on record as Annexure R/7-5 & R/7-6. There were certain further dues yet to be finalized by the respondents and this Court vide its order dated 19.06.2019 asked the respondent No. 5, 6 & 7 to remain present before this Court to explain as to why contempt petition was not complied with.
3. Today an additional return has been filed duly sworn in by the present District Education Officer bringing on record certain

subsequent developments in as much as release of dues of the gratuity amount to the petitioner to the tune of Rs. 9,735/- and also the arrears of wages so far as pension as well as family pension is concerned to the tune of Rs. 67,212/-. It is further brought on record that both these amounts have been ordered to be duly deposited in the bank account of the present petitioner. Respondents have also brought on record certain calculation sheet by which compliance have been carried out by the respondents.

4. In view of the fact that respondents have brought on record the compliance of the order so far as granting of second time bound promotion to the deceased employee Late Jeevan Lal Choudhary and also granting the legal heirs of the said employee all the arrears as per the calculation made by the respondents, this Court is of the opinion that nothing further remain for this Court to proceed further in this contempt petition.
5. At this juncture, it would be relevant to mention that the details of the payment made by the respondents to the petitioner would be subject to the verification by the petitioner and in case if there is any shortfall or erroneous calculation if detected by the petitioner, she shall be free to question the same by way of a fresh proceeding altogether.
6. The contempt petition accordingly stands disposed off. Presence of all the respondents also stands dispensed with.

Sd/-
(P. Sam Koshy)
Judge

Rohit