

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CONT No. 444 of 2019

1. Shrikrishna Agrawal, S/o Late Shri G.D. Agrawal, Aged About 62 Years, Retired - Assistant Engineer, Office Of The Executive Engineer, Electrical And Mechanical Light Machinery, Tube - Well, Gates Division, Raipur - 492002, Tahsil And District Raipur, District : Raipur, Chhattisgarh (Complainant)

---- Applicant

Versus

1. Shri Jayant Pawar Engineer In Chief Water Resources, Department, Shivnath Bhawan, Atal Nagar, Naya Raipur, Tahsil And District Raipur, District : Raipur, Chhattisgarh
2. Shri B.R. Umre Executive Engineer Light Machinery, Tube - Well And Gates Division, Sihawa Bhawan, Civil Line, Raipur - 492002, Tahsil And District Raipur, (Contemners), District : Raipur, Chhattisgarh

----- Respondents

For Applicant	:	None present
For Respondents	:	Mr. Shashank Thakur, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

01.10.2019

1. This matter was taken up for hearing yesterday, there was no representation on behalf of the applicant/petitioner. This Court passed over the case for today. Today also when the matter is called there is no representation on behalf of the petitioner/applicant.
2. Shri Shashank Thakur, Advocate appears on behalf of the respondents. The present Contempt Petition has been preferred against alleging non-compliance and violation of the order dated 20.02.2019 (Annexure C-2) passed in WPS No. 1133 of 2019. The operative part of the interim direction is reproduced/represented as under:

“Taking all these facts and circumstances into consideration, this Court is of the opinion, prima-facie, a strong case for grant of interim relief is made out against the order which has now been issued by the Water Resources Department, State of M.P. vide their correspondence dated 21/12/2018, 27/12/2018 & the letter dated 05/01/2019, subsequently made by the Water Resource Department, State of Chhattisgarh.

Accordingly, pending the writ petition, there shall be a stay of the effect and operation of these three orders ”

3. The present Contempt Petition has been filed alleging that the petitioner's retiral dues have not been paid by the department inspite of the fact that the petitioner stood retired from service in May, 2019.
4. Shri Shashank Thakur, Advocate enters appearance on behalf of the respondents and has filed his reply. Along with the reply, he also produced certain documents which shows that so far as dues payable on the part of Chhattisgarh is concerned, entire dues have been released. However, he submits that there is certain amount which is held back as per the orders passed by the State of M.P. which can only be released, subject to the outcome of WPS No. 1133 of 2019.
5. Given the said submission by the counsel for the respondents and considering the fact that WPS No. 1133 of 2019 is still pending consideration before this Court. This Court is of the opinion that substantial compliance seems to have been complied-with by the authorities in the State of Chhattisgarh is concerned, inasmuch as they have released the anticipatory pension, G.P.F, G.I.S and Leave Encashment all have been released to the petitioner/applicant.
6. Reserving the right of the petitioner/applicant to pursue his remedies in WPS No. 1133 of 2019, so far as release of the balance of the retiral dues are concerned, the Contempt Petition in its present form

stands disposed-off. The respondents are also discharged of the contempt proceedings.

7. Accordingly, the present Contempt Petition stands disposed-off.

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