

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 752 of 2019

- Girja Shankar Dubey S/o Late Bisahu Prasad Dubey Aged About 44 Years R/o Village Kalkasa, Post Malighori, Tahsil Dondilohara, District Balod Chhattisgarh., District : Balod, Chhattisgarh

---- Petitioner

Versus

1. Shri Tarun Pal Lahare Chief Municipal Officer, Nagar Panchayat Dondilohara, District Balod Chhattisgarh At Present Posted As Deputy Commissioner, Municipal Corporation Bhilai, District Durg Chhattisgarh
2. Shri Bhupendra Waderkar Chief Municipal Officer, Nagar Panchayat Dondilohara, District Balod Chhattisgarh. At Present Posted As Social Welfare Officer, Municipal Corporation Rajnandgaon, District Rajnandgaon Chhattisgarh
3. Shri Ram Kumar Koliyare Chief Municipal Officer, Nagar Panchayat Dondilohara, District Balod Chhattisgarh

--- Respondents

For Petitioner : Ms. Hamida Siddiqui, Advocate with Mr. Rahul Agrawal, Advocate.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

27/09/2019

Heard.

1. This contempt petition has been filed by the petitioner alleging willful disobedience of the Court's order dated 15.11.2017 passed in WA No. 424 of 2017.
2. Learned counsel for the petitioner would submit that despite categoric direction for release of part of undisputed claim to the petitioner of an amount of Rs.4,14,252/-, the amount so far has not been released for want of funds. Referring to two communications placed on record, it is submitted that till date, Director, Urban and Administration Department has not released necessary funds.
3. It appears that despite direction of this Court, the respondents could not release the amount for want of funds. We also find that two communications

one on 05.03.2019 and the other on 30.04.2019 have been made by the Chief Municipal Officer of the Local Body to the Director, Urban and Administration Department for releasing fund, giving reference to order of this Court.

4. There being a judicial direction issued by this Court on 15.11.2017, all the authorities concerned had no option but to comply with the direction of this Court. The Director, Urban and Administration Department is required to release necessary fund without loss of time so that necessary payment to be released in favour of petitioner in compliance of the direction issued by this Court way back on 15.11.2017.
5. Considering that reason for non-payment by the respondents are beyond their control, at present, we are not inclined to issue notices to respondents. A copy of this order shall be placed by the petitioner before each of the respondents as also before the Director, Urban and Administration Department, Government of Chhattisgarh for necessary compliance. If necessary sanction is not granted by the Director within a period of 30 days and payment is not made to the petitioner within 30 days from the date of sanction, it would be open for the petitioner to revive the contempt petition and in such an eventuality, non compliance of judicial order shall be viewed strictly and appropriate order would be passed.
6. With the aforesaid observation/direction, the petition is disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge