

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Cont. Case (C) No.840 of 2019

Mahendra Nagwanshi Vs. Ashok Juneja & Anr.

14.10.2019	Shri Aman Kesharwani, Advocate for the petitioner. The present contempt petition has been filed alleging non compliance of the order dated 12.11.2018 passed in WPS No.7357 of 2018. At the outset, this court is of the opinion that no contempt as such is made out for the simple reason that this court has not entertained the writ petition and had found that the writ petition did not have any merit, but certain observations were made while disposing of the writ petition. Those observations can never be construed as directions or mandamus issued by this court. For ready reference, the operative part of the order passed on 12.11.2018 reads as under: “4. Given the said fact, this Court is not inclined to entertain the writ petition exercising its extraordinary powers under Article 226 of the Constitution of India more particularly in a disciplinary matter. However, this does not mean that the respondents would not follow the principles of natural justice while conducting the departmental enquiry. 5. It is expected that the respondents while conducting departmental enquiry will grant sufficient opportunity of defence to the petitioner and also ensure that the principle

of natural justice is complied with before passing a final order in the disciplinary proceeding initiated against the petitioner.”

Plain reading of the aforesaid paragraphs are self explanatory. Now if the petitioner is aggrieved of any subsequent development or action on the part of the respondents, the same cannot be tested under the contempt of court, but would be a matter which can be agitated afresh by the petitioner.

Accordingly, reserving the right of the petitioner for challenging any subsequent decision by which he is aggrieved of, the present contempt petition stands rejected.

Sd/-
(P. Sam Koshy)
Judge