

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 755 of 2019

Dhan Singh S/o - Kanhai Ram, Aged About 50 Years Working At Forest Range Office Doudilohara, Circle Lohartla, Tahsil Doundilohara, District Balod Chhattisgarh, District : Balod, Chhattisgarh

---- Petitioner

Versus

1. Shri Jai Singh Mahsake Secretary, Forest Department Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur District Raipur Chhattisgarh
2. Shalini Raina, Chief Conservator Of Forest, chhattisgarh Raipur, District Raipur Chhattisgarh
3. S.S.D. Badgaiya, Conservator Of Forest Durg, District Durg Chhattisgarh
4. Dharamsheel Ganveer, The Divisional Forest Officer, Forest Divisional Durg, District Durg Chhattisgarh
5. Satovisha Samajdar, The Divisional Forest Officer, Forest Divisional Balod, District Balod Chhattisgarh
6. Mohd. Riyaz Khan The Forest Range Officer, Forest Range Balod, District Balod Chhattisgarh
7. M. Govind Rao, S/o - M.S. Rao, Retired Forest Divisional Officer, Balod Division, Balod, District Balod Chhattisgarh, At Present R/o - Dharampura, Radhaswami Satsang Chowk, Pani Tanki Pan Thela Ke Pas, Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Jitendra Gupta, Advocate
For Respondent No.1	:	Shri Syed Majid Ali, Advocate
For Respondent No.3	:	Shri Suyash Dhar, Advocate

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/10/2019

1. This petition has been filed by the petitioner alleging willful disobedience of the order passed by this Court on 26.7.2017 on the submission that despite there being a clear direction that the entire period during which the

petitioner remained out of employment shall be treated to be in service, while considering petitioner's claim for regularization, the authority has recorded a finding that the petitioner has failed to prove that he continuously worked against sanctioned post from 01.01.1989 to 31.12.1997.

2. This Court while passing order dated 26.7.2017 granted benefit to the petitioner to the extent that the period during which he remained out of employment upon termination until reinstatement by the order of the Labour Court shall be treated to be as period spent in service and nothing more. There is no finding that the petitioner worked against sanctioned post nor is there any finding that he continuously worked on the post from 01.01.1989 to 31.12.1997. The period for which the petitioner has not been found to be continuously working is other than the period which has been directed to be treated as period of service by order dated 26.7.2017 in the Writ Petition (S) No.3353 of 2017. Therefore, no contempt is made out.
3. Learned counsel for the petitioner, at this stage, submits that the petitioner actually worked continuously against sanctioned post between the period 01.01.1989 to 31.12.1997. This aspect cannot be gone into the contempt petition. The petitioner's remedy lies in taking appropriate remedy in another forum.
4. With the said observation, the petition is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge