

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 779 of 2019**

Smt. Kunwar Bai W/o Hiralal Yadav Aged About 43 Years R/o House No.12, Ward No.1, Kanhargaon, Ricemillpara, Bhanupratappur, District- North Bastar, Kanker, Chhattisgarh, Presently Posted At Forest Circle, Doundi, 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, Circle, District- Durg, Chhattisgarh
4. Satovisha Samajdar The Divisional Forest Officer, Forest Division Balod, District- Balod, Chhattisgarh
5. Devendra Singh Nagesh The Forest Range Officer, Forest Range Doundi, Forest Division Balod, District- Balod, Chhattisgarh
6. M. Govind Rao S/o M. S. Rao Retired Forest Divisional Officer, Balod Division, Balod, District- Balod, Chhattisgarh At Present R/o Dharampura, Pani Tanki, Pan Thela Ke Pas, Raipur, District- Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Jitendra Gupta, Advocate
For Respondent No.1	:	Shri S. 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**

This petition has been filed by the petitioner alleging willful disobedience of the order passed by this Court on 13.04.2018 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 13.04.2018, 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 13.04.2018 in the Writ Petition (S) No.3018 of 2018. 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