

HIGH COURT OF CHHATTISGARH AT BILASPURCONT No. 1111 of 2018

Mahesh Kumar Tunde S/o Shri Rambaks Tunde, Aged About 38 Years,
Forester, R/o Village And P.O. Budhar, Tah. Baikunthpur, District
Koriya, Chhattisgarh.

---Petitioner

Versus

1. Shri K.K. Bisen, Chief Conservator Of Forest, Forest Circle Sarguja,
Ambikapur, District Ambikapur, Chhattisgarh.
2. Shri Imo Temsu Ao, Divisional Forest Officer, Koriya Division,
Baikunthpur, District Koriya Chhattisgarh.

---Respondents

For petitioner	:	Ms. Meena Shastri, Advocate.
For resp. No.1	:	Ms. Swati Verma, Advocate on behalf of Shri Alok Bakshi, Addl.A.G.
For resp. No.2	:	Shri Sanjay Patel, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23/01/2019.

1. The present Contempt Petition has been filed alleging non-compliance of the order dated 21/08/2018 passed by this Court in WPS No. 5323/2018.
2. The whole issue revolves around the change of posting given to the petitioner on the revocation of the suspension.
3. The facts which led to the present Contempt Petition is that, the petitioner was placed under suspension while he was working at Forest Range, Khadgawan, District Koriya on 16/04/2018. The order of suspension subsequently was revoked on 07/08/2018 on an appeal which the petitioner had preferred. On revocation of the suspension by the Appellate Authority,

the petitioner was ordered to be posted at the office of the Director, Gurughasidas National Park, Baikunthpur (C.G.). This change of posting was questioned by the petitioner in a Writ Petition.

4. This Court relying upon a couple of decisions of this High Court had set-aside the said order of revocation of suspension only to the extent of the change of place of posting of the petitioner being changed and the authorities were directed to pass an appropriate order. The department did not pass a suitable order which led to the petitioner filing the instant Contempt Petition.

5. Notices were issued and the respondents have now filed their reply along with Annexure-R/1 – a document dated 26/10/2018. The said order dated 26/10/2018 shows that, the respondents have subsequently recalled the change of posting of the petitioner and has been posted at the Forest Range, Khadgawan on special duty.

6. According to the counsel for the respondents, they have substantially complied with the order and have retained the petitioner at Range Khadgawan, District Korea itself and therefore the order of this Court stands complied with and the Contempt no longer survives.

7. The counsel for the petitioner however opposing the reply submits that, the respondents have still committed contempt for the reason that, once when they have revoked the suspension, they should have reinstated the petitioner on the post of Forester at the original place and should not have

posted the petitioner on special duty as placing the petitioner on special duty amounts to punishment.

8. Given the aforesaid facts this Court as of now does not intend to go into the correctness and validity of the action of the respondents so far as posting the petitioner on special duty at Khadgawan Range, District Koriya.

9. The purport of the order passed by this Court – Annexure-C/1 dated 21/08/2018 in WPS No. 5323/2018 was that, in the event of the petitioner's suspension being revoked by an Appellate Authority, the petitioner would stands posted at his original place from where he was suspended.

10. The order dated 26/10/2018 reflect that, the petitioner has been ordered to be placed at Forest Range, Khadgawan and the petitioner remains posted as Forester. The only difference is that, the petitioner has not been assigned a specific place, but his services have been attached on special duty.

11. This by itself cannot be said to be an act of Contempt on part of the respondents. If at all if the petitioner is aggrieved by the said decision dated 26/10/2018, the petitioner would be at liberty to question the same which according to the counsel for petitioner she has already challenged in a separate Writ Petition.

12. Given the said facts this Court does not find any strong materials further continuing with the contempt proceedings against the respondents.

13. The Contempt Petition thus fails and is accordingly dismissed.

Sd/-

(P. Sam Koshy)
JUDGE