

HIGH COURT OF CHHATTISGARH, BILASPUR**Contempt Case (C) NO.1138 OF 2018**

1. Bauri S/o Vishnu Aged About 60 Years R/o Ward No. 26 Korea Line, Quarters 229, Bartunga, Chirimiri, Korea, District Korea Chhattisgarh.

...Petitioner(s)**Versus**

1. A.P. Panda Presently Posted As, Chairman Cum Managing Director, Seepat Road, Bilaspur Chhattisgarh.
2. K. Shamal Presently Posted As General Manager, South Eastern Coalfield Ltd., Malviya Nagar, West Chirimiri Colliery, District Korea Chhattisgarh.
3. H.S. Madan Presently Posted As, Sub/deputy Area Manager, South Eastern Coalfield Ltd., Bartunga Colliery, Chirimiri District Korea Chhattisgarh.
4. D.K. Behara Presently Posted As, Deputy Chief Personal Manager, South Eastern Coalfield Ltd., Bartunga Colliery, Chirimiri, District Korea Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Faisal Akhtar, Advocate.
For Respondents	:	Shri Vaibhav Shukla, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****06.03.2019**

1. The present contempt petition has been filed alleging non compliance of the order dated 12.04.2018 passed by this court in WPS No.7392 of 2017.

The operative part of the order dated 12.04.2018 reads as under:

“Given the nature of charges leveled against the petitioner and the charge sheet issued and also the inquiry proceedings have been concluded, wherein the petitioner also has participated. Moreover the petitioner during the pendency of the writ petition has also crossed the age of superannuation, it would be necessary that ends of justice would be served, if the writ petition itself is disposed of with a direction that subject to the petitioner being provided a copy of inquiry report by the disciplinary authority, he shall be granted an opportunity to show cause on any proposed action to be initiated which again shall be questionable before the appropriate forum, if the petitioner is still aggrieved by the decision of the disciplinary authority.”

Aggrieved by the non compliance of the said order, the present contempt petition has been filed.

2. The respondents have entered appearance and have filed a detailed reply. The counsel for the respondents submitted that petitioner infact had substantially challenged the charge sheet issued to the petitioner on 13.12.2017 and this court have not interfered with the writ petition. The writ petition was only disposed of with a direction that the petitioner be provided a copy of enquiry report and only thereafter the disciplinary authority would proceed to decide the matter.
3. The counsel for the respondents submits that there is material suppression of facts by the petitioner at the time of disposal of writ petition itself inasmuch as when the writ petition was disposed of on 12.04.2018 the departmental enquiry was already complete and the enquiry report along with second show cause notice was also issued to the petitioner on 24.01.2018. The petitioner had also given a detailed reply to the said second show cause notice on 27.01.2018. These facts were not brought to the notice of the court while disposal of the writ petition.
4. The counsel for the respondents further submits that since the petitioner was already served with enquiry report and he has also given a reply to the said and that fact that writ petition WPS No.7392 of 2017 had already disposed of, the authorities have finally passed the order on 28.09.2018 dismissing petitioner from service.
5. Counsel for the petitioner tried to harp on the aspect that the enquiry report was not complete when it was served upon the petitioner and that the respondents have blamed the petitioner for the missing of the documents with the enquiry report that was supplied to him.
6. Given the submissions put forth on either side and on perusal of records, what is admittedly evident from Annexure R/3 and R/4 is that the petitioner

infact was served with enquiry report and he had also submitted a reply acknowledging the receipt of the enquiry report and has submitted a reply to the second show cause notice.

7. Given the fact that the petitioner has been issued with enquiry report, this court is of the opinion that there is substantial compliance of the directives given by this court even before the order was passed and as such this court does not find any contempt made out against the respondents-officers.
8. The petitioner would be at liberty to challenge the subsequent development and the orders passed by the respondents subsequently by way of a fresh proceedings, if he so choses.
9. Accordingly the contempt petition stands dismissed and the respondents are discharged of the contempt proceedings.

Sd/-
(P. Sam Koshy)
Judge