

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****CONTEMPT CASE (C) NO. 940 OF 2019**

- Naresh Kumar Thakur, S/o Shri Jeevrakhan Thakur, aged about 47 years, R/o T.T.C. Colony, Qtr. No.41, Mana Camp, Raipur, Tahsil & Distt. Raipur (CG)

**... Petitioner****versus**

1. Vivek Acharya, Director, Directorate of Employment and Training, Indrawati Bhawan, Block No.4, First Floor, P.S. and Post Rakhi, Atal Nagar, Raipur (CG)
2. T.K. Sathpute, Joint Director, Office of the Directorate, Saddu, by the side of Govt. ITI, Raipur (CG)
3. T.A. Kanva, Principal, Govt. Industrial Training Institute, Bhilai, District Durg (CG)

**... Respondents**

|                 |   |                                  |
|-----------------|---|----------------------------------|
| For Petitioner  | : | Mr. K.R. Nair, Advocate.         |
| For Respondents | : | Ms. Sunita Jain, Govt. Advocate. |

**Hon'ble Shri Justice P. Sam Koshy****Order on Board****10/12/2019**

1. The present contempt petition has been filed by the petitioner alleging non-compliance of the interim order dated 5.8.2019 passed by this Court in Writ Petition (S) No. 5691 of 2019.

2. While passing the said interim order, this Court had made the following observations:

“Considering the fact that the petitioner has already put in about 10 years of service with the respondents and the fact that his services were not discontinued on account of unsatisfactory work or on account of any misconduct on his part, this Court is of the opinion that in the event if the department intends to fill up the post on contractual basis, the petitioner should be given priority and preference considering the experience that he has on the said post. However, the respondents-State would be at liberty to fill up the post by way of a regular vacancy, if they so choose. This, in other word, means that the respondents are restrained from issuing any fresh advertisement for filling up of the said post on contractual basis unless the services of the petitioner was discontinued on unsatisfactory work or on account of some misconduct.”

3. The present contempt petition has been filed by the petitioner stating that the respondents have now issued an advertisement for filling up of the post by way of Guest Lecturer, which again would amount to a contractual employment and which is against the order dated 5.8.2019 passed by this Court.

4. Learned counsel appearing on behalf of the respondents submits that they have already filed their reply and along with their reply they have enclosed a document wherein they have categorically stated that, so far as the petitioner is concerned the said post has not been filled up by way of contractual employment but the said post has been filled up by transfer of a regular employee in the department, and therefore so far as the order passed by this Court is concerned the same has not been violated in any manner. As regards fresh advertisement, counsel for the respondents submits that for filling up of the post of Guest Lecturers the advertisement has been issued at district level and that there is no such embargo created by order dated 5.8.2019.

5. Given the aforesaid facts and circumstances of the case, which are not disputed by the counsel for the petitioner, the fact that the post against which the petitioner was working has been filled up by way of regular employee on transfer, the respondents cannot be said to have violated the interim order passed by this Court on 5.8.2019. The interim order cannot be treated as if there was a blanket stay for recruitment in the department at all. Any interim order would be *qua* the petitioner alone.

6. In view of above, the contempt petition in its present form is disposed of and the respondents are discharged from the contempt proceedings. However, if the petitioner is aggrieved of any subsequent development or the recruitment process initiated by the respondents, it would be open for the petitioner to claim appropriate relief in Writ Petition (S) No. 5691 of 2019 which is still pending consideration before this Court.

7. The contempt petition accordingly stands disposed of.

Sd/-  
(P. Sam Koshy)  
JUDGE

/Sharad/