

HIGH COURT OF CHHATTISGARH AT BILASPUR**CONT No. 37 of 2020**

Braj Lal Patel S/o Shri Santosh Kumar Patel Aged About 63 Years Retired
Assistant Conservator Of Forest, O/o The Sub Divisional Officer, Kanker,
District- Kanker Chhattisgarh R/o Hig- 7, Sector-7, Phase-1, Kabeer Nagar,
Raipur, District- Raipur Chhattisgarh

---- Petitioner**Versus**

Shri Manoj Kumar Pingua The Secretary, State Of Chhattisgarh,
Department Of Forest, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur
Chhattisgarh

---- Respondent

For Petitioner : Mr. R. K. Kesharwani, Advocate

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

15/01/2020

1. The present contempt petition has been filed alleging disobedience of the order dated 03.10.2019 passed in WPS 8085/2019.
2. According to the petitioner the alleged act of contempt is the initiation of a show cause proceedings by the respondents.
3. On perusal of record, this Court finds that the interim order granted by this Court on 03.10.2019 was to the extent that the respondents shall not make any recovery till the next date of hearing. Admittedly, the respondents have not made any attempt for recovering any amount from the dues payable to the petitioner. The interim protection of staying the action of recovery by itself would not preclude the State authorities from conducting any enquiry if they so want to enquire upon in alleged excess payment made to the petitioner either inadvertently or by way of deliberate act of the

petitioner or some other persons. The initiation of a show cause proceeding by the respondents in the opinion of this Court would amount to a contempt in the light of the directions given by this Court on 03.10.2019 where the interim order was only to the extent of staying of any recovery proceeding. The contempt petition accordingly stands rejected.

4. Reserving the right of the petitioner to assail any subsequent development adverse to the interest of the petitioner at an appropriate stage by an appropriate proceedings.

Sd/-
(P. Sam Koshy)
Judge

Rohit