

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT. No. 140 of 2020**

Bharat Kumar Sharma S/o Shri Harlal Prasad Sharma, Aged About 55 Years, Working As Lecturer, At Government Higher Secondary School Achhoti, Block Kurud, District Dhamtari, Chhattisgarh

---- Petitioner**Versus**

Mohd. Imran, Divisional Joint Director, Treasury And Pension Raipur, District Raipur, Chhattisgarh

---- Respondent

For Petitioner : Mr. Vinod Kumar Sharma, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****31.01.2020**

1. The present contempt petition has been filed alleging the non-compliance of the order dated 07.08.2019 passed by this Court in WPS No. 3626 of 2017.
2. While disposing of the writ petition this Court had made the following observations:

“8. The respondents are restrained from initiating any recovery proceeding against the petitioner on account of any erroneous fixation of pay, if any, paid to the petitioner.

9. However, the order of this Court would only be applicable so far as the recovery part is concerned. In case of any rectification the department would have all the liberty to do so in accordance with the rules.”

3. From perusal of the said order it clearly reflects that the two directions

given by this Court were, firstly restraining the respondents from initiating recovery proceedings and secondly the respondent department had the authority for rectification of any error.

4. The petitioner has failed to show from the pleadings of any recovery proceeding being initiated by the respondent.
5. In the absence of any recovery being made by the respondent or at least the petitioner failing to show any proof in that regard, this Court is of the opinion that no contempt as of now is made out against the respondent.
6. Accordingly, reserving the right of the petitioner to approach the Court if need so arises at a later stage, the contempt petition stands rejected.

**Sd/-
P. Sam Koshy
Judge**