

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT. No. 141 of 2020**

Chandu Sahu S/o Mr. Manohar Lal Sahu Aged About 38 Years Occupation Assistant Teacher (Local Body), Posted At Government Higher Secondary School, Kotagaon, Block Dondi, District Balod, Chhattisgarh. ---- **Petitioner**

Versus

Girish Kumar Purre Deputy Director, Local Audit Fund, 160/39, Near Hotel Suraj, Stadium Road, Basantpur, District Rajnandgaon, Chhattisgarh.

---- **Respondent**

For Petitioner : Mr. Shalvik Tiwari, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

03.02.2020

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. 4777 of 2019.
2. Perusal of the contempt petition would show that the respondents who were directed to decide the representation have already decided the same in favour of the petitioner vide Annexure C-2 dated 27.11.2019. The grievance of the petitioner against which the contempt petition has been filed is that the respondent in the contempt petition is not complying with the directives given by the Chief Executive Officer on 27.11.2019 and therefore it amounts to a contempt.
3. This Court, on perusal of record, finds that the respondent herein who is the Deputy Director, Local Audit Fund was not a party to the writ petition. Further perusal of the order dated 07.08.2019 would also

show that there was no direction given to the respondent herein for compliance of any such direction.

4. Under the aforesaid two circumstances, this Court is of the opinion that the matter may not fall within the purview of contempt jurisdiction of this Court. Once the Chief Executive Officer passes an order as per the direction given by this Court, the order stands fully complied with. The non-execution of that order cannot be brought within the ambit of contempt jurisdiction as no specific direction or writ was issued to the respondent herein.
5. Moreover, counsel for the petitioner himself submits that the respondent is objecting the order of the Chief Executive Officer on the ground of there being no specific order passed by the State Govt. so far as granting of Kramonnati to the petitioner is concerned. The said action/decision on the part of the respondent though not in writing would also be a fresh cause of action for the petitioner to agitate before the Writ Court by way of a fresh proceeding and it cannot be tested under the contempt jurisdiction of this Court.
6. The contempt petition accordingly stands disposed of reserving the right of the petitioner to avail other remedies open to him.

Sd/-
P. Sam Koshy
Judge