

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CONT No. 234 of 2020**

Makhan Lal Joshi S/o Late Purushottam Lal Joshi Aged About 65 Years
R/o Village Jarve, Post Bhatagaon, P.S. Ranchirai, Block Gunderdehi,
District Balod Chhattisgarh **---- Petitioner**

Versus

1. Mr. D. D. Singh Secretary, Scheduled Caste Development Department, Mahanadi Bhavan, Atal Nagar, P.S. Rakhi, District Raipur Chhattisgarh.....Contemnor, District : Raipur, Chhattisgarh
2. Mr. Niraj Kumar Bansod, Director, Tribal And Scheduled Caste Development Department, Block-D, Ground Floor, Indravati Bhavan, Atal Nagar, P.S. Rakhi, District Raipur Chhattisgarh.....Contemnor, District : Raipur, Chhattisgarh
3. Mr. Roop Lal Thakur, District Education Officer, Balod, District Balod Chhattisgarh.....Contemnor, District : Balod, Chhattisgarh
4. Smt. Ranu Sahu, Collector, Balod, District Balod Chhattisgarh.....Contemnor, District : Balod, Chhattisgarh
5. Mr. Sushil Kumar Gajbhiye, Divisional Joint Director, Account, Fund And Pension Durg Division, District Durg Chhattisgarh.....Contemnor, District : Durg, Chhattisgarh **----Contemnors**

For Petitioner : Shri Vivek Kumar Agrawal, Adv.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****24/02/2020**

1. The present contempt petition has been filed alleging non compliance of the order dated 20.06.2019 passed in WPS No. 4388 of 2019.
2. Contention of the Counsel for the Petitioner is that the order of this Court dated 20.06.2019 has not been complied with in its letter and spirit.
3. According to the Counsel for the Petitioner, petitioner has not been paid the pension so far as the period rendered by him as a daily wage empolyee which was infact the direction given by this Court keeping in view the judgment of the Division Bench of this Court in

the case of **Lakhanram Sahu and Ors. v. State of Chhattisgarh and Ors.** passed in Writ Appeal No. 281/2013.

4. Perusal of records would show that the petitioner on an earlier occasion had filed contempt petition i.e. Cont. Petition No. 746/2019 which came up for hearing before the Bench on 27.11.2019 and on the submission made by the Counsel for the parties that the order dated 20.06.2019 has since been complied with, the contempt petition was disposed of.
5. Further perusal of records would also show that the respondents have subsequently passed an order dated 05.12.2019 whereby the pension payable to the petitioner has been released. It is this order which according to the petitioner is an Act of contempt on the part of the respondents as the pension provided is only in respect of regular service rendered by the petitioner without calculating the period rendered as a daily wage employee.
6. Even if the said contention of the petitioner is taken note, what can not be lost sight of is that even if there is part compliance of the directions given by this Court, it amounts to compliance and any remaining part of the claim if not redressed as such would not fall within the ambit of the contempt of Court. The remedy available to the petitioner would be for filing a fresh writ petition for claiming the balance of dues which according to the petitioner has not been released to him. It is settled position of law that even part of compliance of the order of this Court would not bring the respondents for a contempt proceeding for the balance of claim if any or difference of claim if any.

7. Given the said facts, the present contempt petition stands disposed of, reserving the right of the petitioner to avail other remedies available to him under law.

Sd/-

(P. Sam Koshy)
Judge

Jyotijha