

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CONT No. 297 of 2020

1. S. P. Dubey, S/o Late Shri Ram Krishna Dubey, Aged About 63 Years, R/o Near Bhagwa Mandir, Daihanpara, Vivekanand Marg, Old Sarkanda, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

1. Shri Sonmani Bora, Secretary To His Excellency Governor, Government of Chhattisgarh, Rajyapal Bhawan, Raipur, District : Raipur, Chhattisgarh
2. Shri Rakesh Chaturvedi, Occupation Principle Chief Conservator of Forest, Aranya Bhawan, Sector-19, Atal Nagar Nawa Raipur, District : Raipur, Chhattisgarh
3. Shri Manish Kashyap, Occupation District Forest Officer, Research And Extension Forest Division, Koni, District : Bilaspur, Chhattisgarh

----- Respondents

For Applicant	:	Mr. Vipin Tiwari, Advocate
For Respondents	:	None

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

05.03.2020

1. The present Contempt Petition has been filed alleging non-compliance of the Order dated 28.01.2019 passed in WPS No. 554 of 2019.
2. Grievance of the petitioner is that the order passed on 28.01.2019 in the aforementioned writ petition has not been complied-with by the respondents. At this juncture, it would be relevant to take note of the direction given in the said order dated 28.01.2019, this Court had directed the respondent-State to take a decision on the appeal filed

by the petitioner at the earliest, pending before the concerned authorities and till then, no further recovery proceedings should be carried-out against the petitioner. Further, it was directed that while releasing the retiral dues, the respondent-State shall retain an amount of Rs. 1,42,924/-. Now, the grievance of the petitioner is that the petitioner has not fully paid his entire retiral dues and the respondents seems to have retained much more amount than Rs. 1,42,924/-. He further submits that the pension that has been released is also only that of 90 per cent which again is not what was mentioned in the order dated 28.01.2019.

3. From the submissions made by the counsel for the applicant what clearly reflects is that the respondents in the process subsequent to 28.1.2019 has in fact released substantial amount of money to the petitioner by way of retiral dues and pension to the extent of 90 per cent has also since been released. Now, the only dispute perhaps seems to be the quantum of amount released by the respondents which is disputed by the petitioner which according to him has not been properly calculated that he is entitled for more than that. The submissions which the petitioner has made is in-respect-of calculation not being properly done by the respondents. This Court is of the opinion that the said dispute so far as the calculation being improper is not one which could be tested under the contempt jurisdiction of this Court. Likewise, it is also necessary to mention that from the pleadings of the petitioner itself, it clearly reflects that the respondents have infact made substantial payment of the petitioner after the disposal of the writ petition. Thus, this Court does

not find any contempt made out by the respondents. If at all, if the petitioner is aggrieved of the amount of money released by the respondents, the only recourse now available to the petitioner would be to file a fresh writ petition.

4. Reserving the right of the applicant to avail the said remedy, the present Contempt Petition stands disposed.

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