

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CONTEMPT No. 356/2020**

Shyam Lal Ram (Dead) Through His Legal Representative Rajesh Ram S/o Late Shri Shyam Lal Ram Aged About 44 Years R/o Village - Nimgaon, Post Office - Paku, Tahsil - Jashpur, District - Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Petitioner**Versus**

1. Shri Santosh Kumar Wahne The Assistant Commissioner, Tribal Development, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh
2. Shri M.Z.U. Siddiqui The Block Education Officer Jashpur, District - Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Respondents

For applicant	: Shri Rishi Rahul Soni, Adv.
For Non-applicants	: Not noticed.

Hon'ble Shri Sharad Kumar Gupta, Judge**ORAL ORDER****(18-5-2020)**

1. Heard on admission.
2. The applicant has preferred this contempt petition under Section 12 of the Contempt of Court Act, 1971 (in short 'Act of 1971') read with Article 215 of the Constitution of India against the non-applicants for non-compliance of the order of Single Bench of this Court dated 24-1-2011.
3. Counsel for the applicant submitted that 9 years have passed but the applicant has not got any amount in compliance of the said order. Hence non-applicants may be punished for contempt of the Court as they have committed contemptuous act.
4. Earlier while deciding the WPS No. 2616/2009 filed by the deceased Shyam Lal Ram, Single Bench of this Court passed the order dated 24-1-2011, para 8 of which is quoted below :-

“8. For the reasons stated hereinabove, the impugned order dated 28-3-2007 is quashed. However, liberty is reserved to the respondent authorities to take appropriate steps, if so advised, in accordance with law i.e. Rule 75 of the Chhattisgarh Civil Services (Pension) Rules,

1976. If the amount has already been recovered, the petitioner is entitled to the said amount with interest at the rate of 6% per annum.”

5. As per the provisions of Section 20 of the Act of 1971 Limitation for action of contempt is one year from the date on which the contempt is alleged to have been committed.

6. In the case in hand, as per the applicant's case the original applicant Shyam Lal Ram died on 12-1-2011. On 24-1-2011 final argument was heard in said writ petition (s). Original applicant had died before the conclusion of the hearing in said writ petition (s) and no application was filed on behalf of his legal heirs for substitution. More over, instant petition has been filed on 15-5-2020, hence instant petition is barred by limitation as provided by Section 20 of the Act of 1971. More over, as per Annexure C-3, Asstt. Commissioner, Triable Development, Distt. Jashpur had written a letter to Block Education Officer, Jashpur to comply with the said order of Single Bench of this Court. As per Annexure C-8 the Block Education Officer, Jashpur had written the letter to Distt. Treasury, Jashpur dated 17-1-2017 for the repayment of 3,00,349/-. Consequently, looking to the above mentioned facts, the instant petition is not admitted for final hearing and is dismissed in limine.

Sd/-
(Sharad Kumar Gupta)
Judge

HIGH COURT OF CHHATTISGARH, BILASPUR
Order Sheet
M.C.C. No. 378/2020

Shyam Lal Ram (Dead) through his LR Rajesh Ram
-Versus-
Shri Santosh Kumar Wahne and another

6-8-2020	Contempt No. 356/2020 was disposed of by this Court vide order dated 18-5-2020 but inadvertently, uncorrected order was uploaded in the website in which some corrections were not made. Therefore this M.C.C. has been registered. Considering the above facts, this M.C.C. is disposed of with a direction that the order dated 18-5-2020 which was uploaded earlier inadvertently, be deleted from the website of the High Court and the correct order be uploaded. A copy of this order sheet be also supplied along with certified copy of the order dated 18-5-2020 passed in Cont. Case No. 356/2020. Sd/- (Sharad Kumar Gupta) Judge