

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 370 of 2020**

1. Govind Ram Mandavi S/o Shri Bhakturam Mandavi, Aged About 36 Years R/o Village Dabpal (Patelpara), Post Belar, Tahsil Lohandguda, Jagdalpur, District Bastar Chhattisgarh
2. Chaturram, S/o Shri Vishalu Ram, Aged About 36 Years R/o Village Dimrapal, Post Jaibel Bhanpuri, Vikaskhand Bakawand, District Bastar Chhattisgarh
3. Narsingh Kashyap, S/o Shri Hariram Kashyap, Aged About 47 Years R/o Village Podaguda, Post Sadgud, Tahsil Jagdalpur, District Bastar Chhattisgarh
4. Budru Ram Maurya, S/o Shri Tangru Ram Maurya, Aged About 37 Years R/o Village Keshloor (Hataigudapara), Post Tokapal, Jagdalpur, District Bastar Chhattisgarh
5. Ku. Babita D/o Shri Prabhunath, Aged About 32 Years R/o Village Aasna (Nayapara), Post Aasna Jagdalpur, District Bastar Chhattisgarh
6. Smt. Champa Kashyap, C/o Shri Baisakhu Ram Kashyap, Aged About 32 Years R/o Geedam Naka Ganga Negar Ward Behind Of Madiya Saray Jagdalpur, District Bastar Chhattisgarh
7. Shailendranath Nag, S/o Shri Setnath Nag, Aged About 31 Years R/o Behind Of F.C.I. Godam, Maharani Ward No. 14 Jagdalpur, District Bastar Chhattisgarh
8. Rajesh Kumar Sethiya S/o Late Shri Kripa Ram Sethiya, Aged About 43 Years R/o Moti Talab Para, Near Kali Mandir, Ramaiya Ward Jagdalpur, District Bastar Chhattisgarh
9. Harishankar Prasad Devare S/o Late Shri Ramesh Devare Aged About 31 Years R/o Village Kalepal (Barupata), Post Raykot, District Bastar Chhattisgarh
10. Shailendra Panigrahi, S/o Shri Kamlochan Panigrahi, Aged About 41 Years R/o Village Aasna, Tahsil Jagdalpur, District Bastar Chhattisgarh
11. Mohd. Sarfaraj Ahemad, S/o Late Shri Yar Muhammad Khan, Aged About 41 Years R/o Pratapdev Ward Behind Of Poonam Hotel, Jagdalpur, District Bastar Chhattisgarh
12. Jayman Soni S/o Late Shri Padum Soni Aged About 32 Years R/o Village And Post Karanji Thothapara Chitrakot Road, District Bastar Chhattisgarh

---- Petitioners**Versus**

1. Shri Rakesh Chaturvedi Principal Chief Conservator Of Forest, Atal Nagar, Raipur Chhattisgarh
2. Mohammed Shahid, Chief Conservator Of Forest, Jagdalpur Circle Jagdalpur, District Bastar Chhattisgarh
3. Ku Stylo Mandavi, Divisional Forest Officer, Bastar Forest Division Jagdalpur, District Bastar Chhattisgarh

---- Respondents

For Petitioner/s : Mr. Shashank Thakur, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

10/06/2020

1. This contempt petition has been filed by the petitioners aggrieved on the ground of second round of inquiry with regard to entitlement of pay scale as directed by Principal Chief Conservator Of Forest, C.G. vide memo dated 28.09.2019.
2. Learned counsel for the petitioners argued that the petitioners had filed a writ petition WPS No.1026/2017 aggrieved by an order by which, grant of regular pay scale was withdrawn wherein stay order dated 01.03.2017 was passed and writ petitions filed by the petitioners were eventually allowed vide order dated 27.09.2017. The impugned order withdrawing regular pay scale was set aside on the ground that opportunity of hearing was not afforded to the affected petitioners. Despite the order of this Court, regular pay scale was not restored which led to filing of Cont No.68/2018, wherein, this Court clarified order dated 29.01.2018 that the respondents could not withhold pay scale in the garb of liberty. Thereafter, certain orders were passed which again led to filing of fresh Cont No.599/2018. The pay scales were, later on, restored and also a detailed inquiry was made after affording opportunity to the petitioners which culminated in an order dated 04.07.2019. The petitioners were entitled to regular pay scale. Thus, entire exercise in that regard came to an end and no further proceedings were required to be drawn. Thereafter, Principal Chief Conservator Of Forest has again reopened the entire matter directing fresh inquiry to be made by issuing fresh show cause notices to the petitioners.
3. According to the learned counsel for the petitioners, act of Principal Chief Conservator Of Forest in directing reopening of inquiry and issuing fresh show cause notices to the petitioners is nothing but an act of overreaching earlier orders and proceedings passed by this Court. He would submit that the spirit of the order passed by this Court on 27.09.2017, while disposing off the main writ petitions, was to hold an inquiry after affording an opportunity of hearing. That having been done and a final order having been passed by the Divisional Forest Officer, the Principal Chief Conservator Of Forest had no authority under the law to again initiate the inquiry.
4. Having given my anxious consideration to the submissions made by learned counsel for the petitioners and various orders passed by this Court from time

to time including direction issued by the Principal Chief Conservator Of Forest on 28.09.2019, irrespective of shades of illegality as vehemently submitted, it falls short of contempt.

5. The writ petitions filed by the petitioners were disposed off vide order dated 27.09.2017 setting aside the order of withdrawal of regular pay scale only on the ground that petitioners were not afforded any opportunity of hearing. This Court had directed to give show cause notice affording opportunity of hearing and then pass appropriate orders. Later on, show cause notice was given and orders were passed, but now, the higher authority has reopened the inquiry and again directed fresh show cause notices to be issued to the petitioners. This Court had no occasion to deal with the situation. There is nothing in the order dated 27.09.2017 that once an order is passed, no further proceedings shall be drawn in the matter by any higher authority.
6. Again, without commenting upon serious argument raised by learned counsel for the petitioner that Divisional Forest Officer having already passed an order, the Principal Chief Conservator Of Forest had no authority to reopen the matter, I am afraid, this could not be categorized and classified as an act of contempt. Therefore, I am not inclined to issue notices to respondents and therefore the contempt petition is dismissed.
7. It is, however, made clear that it is open for the petitioners to challenge the legality and validity of fresh proceedings drawn at the instance of the Principal Chief Conservator Of Forest on such grounds as may be available to the petitioners under the law.

Sd/-

(Manindra Mohan Shrivastava)
Judge