

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 555 of 2020

Sandeep Kumar Tiwari S/o Sh. Balmukund Tiwari Aged About 45 Years Working As Copa Instructor, Government ITI, Bemetara, Durg Zone R/o Naya Para Behind Keju Rice Mill Durg District Durg , Chhattisgarh., District : Durg, Chhattisgarh

---- Petitioner

Versus

1. Sh. Awanish Kumar Sharan Director , Employment And Training (Training Wing) Directorate Employment And Training First Floor, 4th Block, Indirawati Bhawan, Nawa Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Sh. Hari Singh Rana Principal / Superintendent / Institute Incharge, Industrial Training Institute Bemetara District Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh

---- Respondents

For Petitioner : Smt. Ranjana Jaiswal, Advocate

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/08/2020

Heard on admission.

1. This contempt petition has been filed by the petitioner alleging willful disobedience of the interim order dated 22.8.2016 passed in WPS No.3218 of 2016 and subsequent interim order passed therein.
2. Learned counsel for the petitioner submits that even though there is interim protection that the petitioner, if continuing, shall be allowed to continue in service, now the authorities are taking disciplinary action and passing adverse orders. One such order dated 30th June 2020 has been passed withholding his salary and on the next date, the petitioner is not being allowed to take classes vide order dated 1.7.2020.

3. This Court protected the petitioner by interim order to the effect that if the petitioner is allowed to continue, he will not be terminated and will be continued. This order protects the petitioner against termination where the respondents intend to substitute a contractual employee by another contractual employee.
4. However, the order does not protect the petitioner against any disciplinary action. A perusal of order dated 30th June 2020 (Annexure C-5) shows that a disciplinary action has been taken against the petitioner and a consequent order has been passed on 1.7.2020. Therefore, it is not a matter of contempt. Petitioner would be at liberty to challenge the legality and validity of order dated 30th June 2020 and 1st July 2020 in a separately constituted petition or take such other remedy which are available to him under the law.
5. Subject to the aforesaid observations, this contempt petition, being devoid of merit, is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge