

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CONT No. 473 of 2019

1. Devendra Kumar Tripathi, S/o J. P. Tripathi, Aged About 61 Years,
R/o Block No.7, Sector-2, Kashiram Nagar, Raipur, District : Raipur,
Chhattisgarh
2. Naresh Badichar, S/o Shri Harvaji Badichar, Aged About 58 Years,
R/o Block No.7, Sector-2, Kashiram Nagar, Raipur, District : Raipur,
Chhattisgarh

---- Applicants

Versus

1. Mr. Sunil Kumar Kujur, Then Upper Chief Secretary And Krishi
Utpadan Ayukta, Raipur (Atal Nagar), District : Raipur, Chhattisgarh,
R/o E-3, Mahila Polytechnic Pensan-waada, Raipur, (C.G.)
2. Mr. Hemant Kumar Pahade, Now Secretary, Pashudhan Vikash
Vibhaag, District : Raipur, Chhattisgarh, R/o E-15, Sinchai Colony,
Shantinagar, District : Raipur, Chhattisgarh
3. Mr. C.R. Prasanna, Director Veterinary Services, Directorate,
Chhattisgarh, Naya Raipur (Atal Nagar), District : Raipur,
Chhattisgarh

---- Respondents

For Applicant	:	Mr. Siddharth Dubey, Advocate
For Respondents	:	Mr. Sunil K. Soni, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08.01.2020

1. The present Contempt Petition has been filed alleging non-compliance of the Order dated 01.10.2018 passed in WPS No. 6482 of 2018.
2. It would be relevant at this juncture to refer to the direction of this Court, which is held as under:

“Accordingly, the writ petition stands disposed of with a direction to respondents no. 2 and 4 to take the entire factual matrix of the case in consideration particularly the order of the Department of Live Stock Development dated 11.5.2012 and the disposal of the writ petitions i.e., WPS No. 5933/2011 as well as WPS No. 5225/2008 filed by the petitioner before this Court and pass an appropriate decision at the earliest.”

3. In the light of the direction given by this Court, the respondents have now taken a decision and have filed a document on 06.01.2020 which is an order passed in pursuance to comply the order passed this Court. In the said order, the respondent-State have taken a decision absorbing the service of the petitioner/applicant in any of the corporations/boards under the State Government and for which a different order would be passed.
4. Given the said fact by the respondents that they have already taken a decision for absorbing the service of the petitioner/applicant though in a different department, the direction given by this Court seems to have been complied-with. This Court is thus of the opinion that no contempt as such is made out by the respondents. In the event, if the petitioner/applicant is not satisfied with the order dated 06.01.2020 passed by the State authorities, the remedy available is to challenge the same by way of a fresh proceeding. As the veracity or the correctness of the said order cannot be tested exercising the contempt jurisdiction of this Court.
5. Reserving the right of the petitioner/applicant to challenge the subsequent development i.e., order dated 06.01.2020, the contempt petition stands disposed off accordingly.

6. Shri Amrito Das, Advocate submits that he inadvertently has filed the vakalatnama on behalf of the respondents and prays for withdrawal of the same. The same stands allowed.

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