

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CONT No. 724 of 2020

1. Top Ram Tandon, S/o Shri Chandulal Tandon, Aged About 46 Years,
R/o Village Nawagaon, P/o Rakhi Manacamp, District : Raipur,
Chhattisgarh

---- Applicant

Versus

1. Mrs. Niharika Barikh Singh Secretary, Health And Family Welfare
Department, Mahanadi Bhawan, Naya Raipur, Raipur, District :
Raipur, Chhattisgarh
2. Shri Satyanarayan Rathore Controller, Foods And Drugs
Administration, Block -4th Floor, Indravati Bhawan, Atal Nagar,
Raipur, District : Raipur, Chhattisgarh

---- Respondents

For Applicant	:	Ms. Surya Kawalkar Dangi, Advocate
For Respondents	:	None

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07.10.2020

1. The present contempt petition has been filed by the
petitioner/applicant alleging non-compliance of the Order dated
14.03.2019 passed in WPS No. 2661 of 2016. For ready reference
the operative part of the order passed in the said writ petition is
reproduced here-in-under:

*"Given the aforesaid factual matrix of the case, this Court is of the
opinion that since in the writ petition i.e. WPS No. 2028 of 2015
there was no specific interim relief granted by the High Court
against the recruitment process initiated except for making an*

observation that any recruitment made would be subject to final outcome of the writ petition, this court is of the view that nothing prevents the State Govt. from proceeding further in issuance of the appointment orders if they intend to. However, it would always be mentioned that any appointment made by the State would be only subject to the outcome of the writ petition i.e. WPS No. 2028 of 2015.

6. With the aforesaid observation and clarification, the present writ petition stands disposed of leaving it for the State to take an appropriate decision."

2. A plain reading of the said order would clearly reflect that there was no specific mandamus or direction issued by this Court requiring the respondents to act in a particular manner.
3. Given this fact of there being no specific direction or mandamus issued by the Court in addition to the fact that no specific time limit was granted in the said order within which any action was expected from the respondents to be taken, this Court is of the opinion that the present Contempt petition as such would not be sustainable.
4. If at all, if the petitioner/applicant has any grievance still unredressed by the respondents, the only remedy in the opinion of this Court is by approaching the Court by way of a fresh petition. It can never be adjudicated under the contempt jurisdiction of this court..
5. The contempt petition accordingly stands rejected, reserving the right of the applicant, if they so want.

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