

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 530 of 2019**

Laxmikant Patre, S/o. Shri Samay Das Patre, Aged About 35 Years,
R/o. Ward No. 53, Potiyakala, Durg, District- Durg, Chhattisgarh.

---- Petitioner

Versus

1. Kaushal Kishore, Divisional Railway Manager (DRM), Raipur Division, South Eastern Central Railway, Raipur, District- Raipur, Chhattisgarh.
2. Dr. P.G. Tripathi, Senior Divisional Operations Manager (Co-Ord) South Eastern Central Railway, Raipur Division, Raipur, District- Raipur, Chhattisgarh.
3. Ajay Shankar Jha, Chief Commercial Manager (FS), Office Of The Principal Chief Commercial Manager, Bilaspur, District- Bilaspur, Chhattisgarh.

----Respondents

For Petitioner : Mr. Tridib Bhattacharya, Advocate.

For State/Respondents : Mr. Abhishek Sinha, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board**

21.01.2020

Heard

1. This contempt petition is filed on the ground that the order dated 11.04.2019 has not been complied with.
2. The primary submission while hearing WPC No.1333 of 2019 was made that the goods shed which was operating at Durg Railway Station was closed from 05.04.2019, which is being shifted to Bhilai Marshaling Yard.
3. Reading of the order dated 11.04.2019 would show that prayer was made that the goods shed at Durg is being shifted that may be allowed to operate till July 2019 and the minimum facilities may be directed to be provided to the petitioners at Bhilai Marshaling Yard. The Court while adjudicating the said matter observed that in the peak summer that was in the month of April 2019 unless the basic

facilities are available, it would be difficult to work, therefore, it was ordered as under :

“Therefore, it is observed that the respondent railways shall be obliged to forthwith provide the minimum workable condition/ environment which includes drinking water, bathrooms, shed etc. in the place wherein the goods shed have been directed to be operated. Till the aforesaid minimum infrastructure is developed, if not already available, on a temporary basis the earlier system may be continued in the goods shed at Durg till the basic amenities are made available.”

4. Learned counsel for the petitioner would refer to the photographs subsequently filed and submits that comparative study would show that the photograph of Raipur and Charoda goods shed wherein the goods shed is being transferred. It is stated the minimum facilities have not been made available as like that of other existing goods shed. In respect of Charoda goods shed photograph shows that certain building exists. Since the spirit of the order dated 11.04.2019 was that in the peak summer season without providing facilities of drinking water, bathroom and shed, the labours may not be directed to operate under the open sky without availability of drinking water, bathroom etc., therefore on the temporary basis, direction was made that temporary arrangements may be made.
5. Learned counsel for the Railways would submit that all the temporary arrangement has been made available and the entire superstructure and infrastructure will take time but the basic amenities are available. Under these circumstances, I do not find any contempt to enquire into. The contempt petition fails and is hereby dismissed. The petitioner shall be at liberty to pray for appropriate prayer in the writ petition, if so advised.

Sd/-
(Goutam Bhaduri)
JUDGE