

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 798 of 2020**

- Mohd. Mustafa Khan S/o Shri G.S. Khan Aged About 45 Years R/o Near I.T.I. Mana Camp, Raipur, District : Raipur, Chhattisgarh

---- Petitioner**Versus**

1. Shri Awanish Kumar Sharan Director, Employment And Training (Training Wing) Directorate Employment And Training First Floor, 4th Block, Indrawati Bhawan, Nawa Raipur, District Raipur, Chhattisgarh
2. Shri T.S. Tanwar Principal, Institute Incharge, Ideal Industrial Training Bhilai, District- Durg, Chhattisgarh

---- Respondents

For Petitioner : Mr. Pawan Kesharwani, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****29/10/2020**

1. This contempt petition has been filed by the petitioner alleging willful disobedience of the order dated 11.09.2017 and subsequent orders continuing interim order passed in WPS/4716/2017.
2. Learned counsel for the petitioner alleges that despite interim order continuing in favour of the petitioner, the respondent-contemnor has stopped petitioner from working further treating him as no longer in service and has sent a proposal to the Director, Employment And Training on 15.09.2020.
3. This Court passed interim order in favour of the petitioner on 11.09.2017 in clear terms that the petitioner shall be allowed to continue in the service. This interim order has been continued and is still continuing. That only means that the petitioner is continuing in service. The respondent-contemnor has no authority to discontinue the petitioner from service. Petitioner has to be continued and without the leave of the Court, he could not be relieved nor treated as discontinued. Whatever necessary formalities are required to be done at the level of higher authority will have to be done in order to respect

and comply with the judicial order passed by this Court for continuance of petitioner's service.

4. It appears that the respondent-contemnor has not properly understood the order of the Court. Therefore, before initiating contempt proceedings, one opportunity is afforded to the respondent to allow the petitioner to work in the office. Continuance of the petitioner is not dependent upon orders that may be passed by the Directorate or any other authority as petitioner has to be continued *per force* the judicial order. At this stage, this contempt petition is disposed off with liberty to revive.
5. Let a copy of this order be placed before the respondent-contemnor for immediate necessary compliance, failing which, stern action towards contempt would be taken and appropriate jail sentence may also be imposed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Ravi