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HIGH COURT OF CHHATTISGARH, BILASPUR

Contempt Case No. 601 of 2019

Ramesh Dwivedi S/o Shri Rajbahor Dwivedi Aged About 55 Years Incharge, Chief Municipal Officer, Nagar, Panchayat, Khongapani, District Koriya Chhattisgarh R/ovilage And Post Baghara, Tahsil Semariya, District Rewa Madhya Pradesh.

---- Petitioner

Versus

1. Shri Vasudev Chauhan S/o S.R. Chauhan Aged About 52 Years Joint Director, Department Of Urban Administration And Development Surguja Division, Ambikapur, District Surguja Chhattisgarh.
2. Smt. Mukta Singh Chauhan Revenue Sub Inspector, Nagar Panchayat Khongapani, District Koriya Chhattisgarh.

---- Respondents

For Petitioner	: Shri Dharmesh Shrivastava, Advocate.
For Respondents	: Shri Abhishek K. Singh, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-03-2020

Heard.

1. This contempt petition has been filed against the respondents on the ground that the respondents have willfully disobeyed the order passed by this Court on 14.6.2019. This Court while hearing in W.P.(S) No.4361 of 2019 passed an interim order on 14.6.2019 that the status quo be maintained until the next date of hearing in case the petitioner has not been relieved and respondent No.4 – Smt. Mukta Singh Chauhan, who is now respondent No.2 in this petition has not taken charge of the concerned post.
2. W.P.(S) No.4361 of 2019 was a service matter filed by the petitioner challenging his transfer from his current place of posting in which the order was passed as mentioned herein-above.

3. It is submitted that the respondents have deliberately not complied with the order passed by this Court and have committed contempt, therefore, they may be proceeded against.
4. On behalf of the respondents, it is submitted that there is no willful disobedience by the respondents to the order passed by this Court. On the contrary, the facts of the situation were that respondent No.2 had already joined to her place of posting on 13.6.2019 which amounts to automatic relieving of the petitioner, therefore, there was no occasion for the respondents to willfully disobey the order of this Court. Hence, it is prayed that the petition be dismissed.
5. In reply, it is submitted by counsel for the petitioner that the charge that was taken over by respondent No.2 on 13.6.2019 itself shows that she had taken *ex parte* charge which implies that the petitioner was not relieved on that date. Subsequent to the date of order of this Court, the applicant had been sent for training in capacity of Chief Municipal Officer, Khongapani which further shows that he was not relieved from the post. Apart from that, the salary of the petitioner was also disbursed from the same place of posting by respondent No.2 which again shows that the petitioner was not relieved. Hence, it is prayed that the respondents be proceeded for contempt of Court.
6. Heard counsel for the parties and perused the documents present on record.
7. The status-quo was ordered by this Court in the order dated 14.6.2019 assuming that the petitioner was not relieved and respondent No.4 who is respondent No.2 had not taken charge of the concerned post. Respondent No.2 was not present on the date when that order was passed, therefore, she had no occasion to bring it to the notice of the Court that she had already taken charge of the post concerned.

Therefore, status-quo that was assumed for passing the order dated 14.6.2019 was not present on the date of hearing as respondent No.2 had already taken charge of the post concerned. Hence, it was an impossible order to be complied with. Therefore, I do not find any reason to proceed against the respondents under the provisions of Contempt of Courts Act.

8. Accordingly, this contempt petition is dismissed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi