

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 884 of 2020

Abhishek Singh, S/o. Shri Vimal Kumar Singh, Aged About 30 Years,
Working As Tuberculosis Health Visitor, R/o. Ram Ashrey Bhawan, Arvind
Nagar, Bandhwapara, Sarkanda, Tahsil & District- Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. Dr. Saransh Mittar, Chairman/Collector, District Health Society, District-
Bilaspur, Chhattisgarh
2. Dr. Pramod Mahajan, Chief Medical And Health Officer, District- Bilaspur,
Nutan Chowk, Seepath Raod, Bilaspur, Chhattisgarh

---- Respondents

For Petitioner : Mr. S.P. Kale, Advocate

For Respondents : Mr. Sudeep Agrawal, Advocate

Hon'ble Shri Justice Goutam Bhaduri

ORDER

02-12-2020

Heard.

1. This Court on 07.10.2020 in WPS No.3947 of 2020 has passed the
following orders:-

"1. Learned counsel for the petitioner would submit that the petitioner was appointed in the year 2017 as Tuberculosis Health Visitor on contract basis and the contract was extended from time to time. He would further submit that the petitioner while was rendering the services, he filed a writ petition bearing WPS No.2551/2019 for equal pay and equal work, wherein notices were issued on 05.04.2019 (Annexure P-6). Thereafter, all of a sudden, the salary of the petitioner is not being paid from April, 2020 though certain days salary earlier to it have been paid. He would further submit that the petitioner is being told that unless & until he withdraws the earlier petition, his salary would not be released. He would further submit that under the circumstances, he initially made a representation to the Chief Medical & Health Officer, District Bilaspur and subsequently has made the representation to the Collector to release the salary and the same may be directed to be decided.

2. *From the perusal of the documents, it appears that the petitioner has earlier preferred a writ petition bearing WPS No.2551 of 2019 wherein notices have been issued. In any case, irrespective of the outcome of the earlier writ petition, if the petitioner is still working and discharging his job, the salary cannot be withheld. Therefore, under the circumstances and for the reasons for which the petitioner has preferred the petition, the petitioner is directed to file the representation before the respondents No.3 & 4 within a period of two weeks from today and on such representation being filed, the office of respondents No.3 & 4 in co-ordination with each other will decide the representation of the petitioner within a period of three weeks from the date of receipt of the representation. It is further observed that if it is found that the salary of the petitioner is withheld without any reason, the same shall be released forthwith.*

3. *With the aforesaid observation, the writ petition stands disposed of."*

2. Learned counsel for the petitioner submits that thereafter the representation though was made and decided but then it has not been followed in the spirit of the orders passed by this Court on 07.10.2020 and there is no coordination reflects in the representation. In any case the communication dated 26.10.2020 would show that the representation as directed by this Court to be decided within a specified time. The representation having been decided, if the petitioner is aggrieved by the order of the representation then the petitioner has the liberty to take appropriate remedy available to him. Since the representation stands decided, this Court while deciding the contempt cannot go into the merits of the representation, the representation has wrongly been decided, it's a question of merit. Therefore, under the circumstances, no deliberate disobedience of the order of the Court is made out. This petition sans merit and accordingly, it is dismissed.

Sd/-
(Goutam Bhaduri)
Judge