

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 1097 of 2018**

1. Tejumal Sambhwani S/o Shri Nanakram Aged About 59 Years Occupation - Sub Inspector (M), Working Under The Office Of Police Head Quarter General Branch, Police Station Rakhi, District - Raipur, Chhattisgarh
2. Smt. Indra Mukhtiyar W/o Late Shri R.S. Mukhtiyar Aged About 56 Years Occupation - Sub Inspector (M), Working Under The Office Of Police Head Quarter General Branch, Police Station Rakhi, District - Raipur, Chhattisgarh.,
3. Paskal Ekka S/o Late Shri Markus Ekka Aged About 58 Years Occupation - Auditor, Working Under The Office Of Police Head Quarter General Branch, Police Station Rakhi, District - Raipur, Chhattisgarh
4. L. N. Sharma S/o Late Shri S. B. Sharma Aged About 58 Years Occupation - Subedar (M), Working Under The Office Of Police Head Quarter General Branch, Police Station Rakhi, District - Raipur, Chhattisgarh
5. S. P. Shukla S/o Late Shri Shivnath Prasad Shukla Aged About 61 Years Occupation - Subedar (M), Working Under The Office Of Police Head Quarter General Branch, Police Station Rakhi, District - Raipur, Chhattisgarh
6. Smt. Shanti Ekka W/o Praskal Ekka Aged About 54 Years Occupation - Subedar (M), Working Under The Office Of Police Head Quarter General Branch, Police Station Rakhi, District - Raipur, Chhattisgarh
7. Smt. Meena Naranvare W/o Shri Narendra Naranvare Aged About 56 Years Occupation - Subedar (M), Working Under The Office Of Police Head Quarter General Branch, Police Station Rakhi, District - Raipur, Chhattisgarh
8. B. S. Tomar S/o Shri Fool Singh Tomar Aged About 62 Years Occupation - Subedar (M), Working Under The Office Of Police Head Quarter General Branch, Police Station Rakhi, District - Raipur, Chhattisgarh
9. Smt. Neelima Sharma W/o Shri L.N. Sharma Aged About 55 Years Occupation - Sub Inspector (M), Working Under The Office Of Superintendent Of Police (Rail), Police Station Ganj, District - Raipur, Chhattisgarh

---- Petitioners**Versus**

1. A.N. Upadhyay Director General Of Police, Police Head Quarters, Raipur, District - Raipur, Chhattisgarh
2. Sanjay Pilley Additional Director General Of Police (Administration)/members Of Committee, Home Police And Finance Department, Mahanadi, Bhawan, New Mantralaya, District : Raipur, Chhattisgarh
3. Milna Kurrey Superintendent Of Police (Rail), Raipur, District - Raipur, Chhattisgarh
4. Arun Deo Gautam Secretary, Home Police Department Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh

---- Respondents**CONT No. 1096 of 2018**

1. Rewa Ram Prajapati S/o Shri Kalu Ram Prajapati Aged About 55 Years Occupation- Sub Inspector (M) O/o Police Head Quater, General Branch, P.S. Rakhi, District- Raipur, Chhattisgarh
2. Lalmani Sen S/o Late Shri Ram Khilawan Sen Aged About 54 Years Occupation- Sub Inspector (M) O/o Police Head Quater, General Branch, P.S. Rakhi, District- Raipur, Chhattisgarh

3. Ravindra Ogley S/o Shri Tulsi Ramji Aged About 41 Years Occupation- Sub Inspector (M) O/o Police Head Quater, General Branch, P.S. Rakhi, District- Raipur, Chhattisgarh

---- Petitioners

Versus

1. A.N. Upadhyay Director General Of Police, Police Head Quarters, Raipur, District- Raipur, Chhattisgarh
2. Sanjay Pilley Additional Director General Of Police (Administration)/ Members Of Committee, Home Police And Finance Department, Mahanadi Bhawan, New Mantralaya, District : Raipur, Chhattisgarh
3. Arun Deo Gautam, Secretary, Home Police Department Mahanadi Bhawan, Atal Nagar, District - Raipur Chhattisgarh

---- Respondents

CONT No. 1100 of 2018

1. Prakash Deshmukh S/o Late Shri Onkar Rao Deshmukh, Aged About 63 Years Occupation Sub Inspector (M) (Retired) Under The Office Of Police Head Quarter, P.S. Rakhi, District Raipur Chhattisgarh
2. Smt. Goureti Kerketa (Lakra) W/o Shri Joseph Lakra, Aged About 53 Years Occupation Sub Inspector (M), Working/ Retired Under The Office Of Police Head Quarter, P.S. Rakhi, District Raipur Chhattisgarh
3. Motiram Verma S/o Late Shri Mathuram, Aged About 54 Years Occupation Sub Inspector (M), Working/ Retired Under The Office Of Police Head Quarter, P.S. Rakhi, District Raipur Chhattisgarh
4. K.J. Joshy S/o Late K.M. Jaan, Aged About 55 Years Occupation Sub Inspector (M), Working/ Retired Under The Office Of Police Head Quarter, P.S. Rakhi, District Raipur Chhattisgarh
5. Yadvendra Singh S/o Late Shri Awadh Bihari Aged About 62 Years Occupation Subedar (M), Working/ Retired Under The Office Of Police Head Quarter, P.S. Rakhi, District Raipur Chhattisgarh
6. Mohammad Anwar Khan S/o Late Shri Mohammad Abdul, Aged About 62 Years Occupation Subedar (M), Working/ Retired Under The Office Of Police Head Quarter, P.S. Rakhi, District Raipur Chhattisgarh
7. Libnoos Tigga, S/o Late Shri Piyush Tigga, Aged About 60 Years Occupation Subedar (M), Working/ Retired Under The Office Of Police Head Quarter, P.S. Rakhi, District Raipur Chhattisgarh
8. Rambabu Raghuvanshi, S/o Late Shri B.P. Raghuvanshi, Aged About 61 Years Occupation Subedar (M), Working/ Retired Under The Office Of Police Head Quarter, P.S. Rakhi, District Raipur Chhattisgarh
9. Daulat Ram, S/o Late Shri Nirmal Das, Aged About 62 Years Occupation Subedar (M), Working/ Retired Under The Office Of Police Head Quarter, P.S. Rakhi, District Raipur Chhattisgarh
10. Ignasiyus Ekka S/o Late Shri Raphel Ekka, Aged About 56 Years Occupation Subedar (M), Working/ Retired Under The Office Of Police Head Quarter, P.S. Rakhi, District Raipur Chhattisgarh

---- Petitioners

Versus

1. A.N. Upadhyay Director General Of Police, Police Head Quarters, Raipur, District Raipur Chhattisgarh
2. Sanjay Pilley, Additional Director General Of Police (Administration)/ Members Of Committee, Home Police And Finance Department, Mahanadi Bhawan,

New Mantralaya, District : Raipur, Chhattisgarh

3. Arun Deo Gautam Secretary, Home Police Department Mahanadi Bhawan,
Atal Nagar, District Raipur, Chhattisgarh ----- Respondents

For Petitioners	:	Mr. Prakash Tiwari, Advocate.
For Respondents No.1,2&3	:	Mr. Pranjal Shukla, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/01/2020

1. In all the cases, allegation is of disobedience of similar orders in respect of respective petitioners in their writ petitions passed by this Court. At the outset, learned counsel for the petitioners submits that in respect of petitioner No.10 in CONT No.1100 of 2018, an order in his favour has now been passed on 05.10.2018.
2. He submits that despite recommendations sent by the Police Headquarters to the Home Department, no orders have been passed in favour of the petitioners in these cases.
3. Considering that the Police Headquarters had already recommended to the Department of Home, this Court had directed impleadment of Secretary, Department of Home (Police), Government of Chhattisgarh as one of the parties, who has now been impleaded as one of the respondents in all the contempt petitions.
4. In all the cases, this Court finds that during the pendency of the contempt petitions, communication has been made by the Police Headquarters on 22.03.2019. From the said communication of the Police Headquarters, it is clear that the petitioners, in these petitions, have also been found eligible for payment of arrears. However, even after lapse of nine months, their payments have not been released.
5. The order passed by this Court in the writ petitions filed by respective petitioners before this Court, copy of which has been placed on record, the petitioners are entitled to payment of arrears, once their case is found to be similar to that of Hira Singh Payak (Petitioner in WPS No.3547 of 2016). Communication sent by Police Headquarters to the Department of Home

(Police) on 22.03.2019 clearly shows that the petitioners are also held entitled for payment of arrears and therefore, recommendation has been made for taking necessary steps towards payment of arrears to each of the petitioners. Therefore, the Department of Home is under an obligation to take necessary steps in that regard.

6. Considering that despite recommendation made on 22.03.2019 by the Police Headquarters, no payments have been sanctioned/released, this Court had directed to implead Secretary, Department of Home (Police).
7. Considering the developments having taken place during the pendency of contempt petitions, at this stage, these contempt petitions are disposed off with a direction to respondent No.3 to take necessary steps towards release of arrears of the petitioners. In view of the recommendation dated 22.03.2019 of the Police Headquarters, appropriate orders as may be required to be passed under the law in respect of these petitioners, should be passed by the Secretary, Department of Home (Police) Government of Chhattisgarh within an outer limit of three months from the date of receipt of the copy of this order.
8. With the aforesaid direction, these contempt petitions, at this stage, are disposed off with liberty to revive, in case, eventuality so arises.

Sd/-

(Manindra Mohan Shrivastava)
Judge