

HIGH COURT OF CHHATTISGARH AT BILASPUR

CONT No. 1144 of 2018

Rajendra Mishra S/o Shri Deonath Mishra Aged About 60 Years R/o
Q. No. M/22, West Jhagrakhand Colliery, Police Station-
Jhagrakhand, District- Koriya, Chhattisgarh

---- Petitioner

Versus

1. A.P. Panda South Eastern Coal Fields Limited, Through Lts Chairman-
Cum-Managing Director, Secl, Seepat Road-Bilaspur, District- Bilaspur,
Chhattisgarh.
2. D. Haldhar Deputy General Manager, South Eastern Coal Fileds Limited,
Jhagrakhand Sub-Area, District- Koria, Chhattisgrh
3. M. K. Mahto Enquiry Officer Senior Manager (M), Haldibadi UG Mine, JKD
Sub-Area, District- Koria, Chhattisgrah.....(Non-Applicant), District :
Koriya (Baikunthpur), Chhattisgarh

---- Respondents

For Petitioner	: Shri S.P. Kale, Adv.
For Respondent No.3	: Shri Vinod Deshmukh, with Shri Ritesh Giri Advocates.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06.01.2020

1. The present contempt petition has been filed alleging non
compliance of the order dated 14.09.2018 passed in WPS No.
6040/2018.
2. Vide the said order, this Court while hearing the writ petition on
admission stage had granted ex-parte stay of the effect and
operation of the charge-sheet issued to the petitioner dated
03.05.2018. It is disobedience of this order which has led to filing of
the present contempt petition.
3. Counsel for the respondent No. 3 enters appearance and submits a
detailed reply. In the reply, respondent No. 3 has submitted that the
ex-parte interim order was obtained by the petitioner by suppressing
the fact that the petitioner was already terminated from service on

08.09.2018. Counsel for the respondent No. 3 along with his reply has enclosed certain documents which would also show that the services of the petitioner was terminated before ex-parte interim order was passed by this Court on 14.09.2018.

4. Given the facts that the respondents have filed the documents showing the services of the petitioner already stood terminated on 08.09.2018, this Court is of the opinion that the ex-parte interim order granted by this Court staying of the effect and operation of the charge-sheet had lost its efficacy for the reason that the charge-sheet had been acted upon and the respondents have already concluded disciplinary proceedings and have already passed the order of dismissal much before the interim order was passed by this Court.
5. Under the circumstances, particularly when the writ petition WPS No. 6040/2018 in which ex-parte interim relief was granted itself is pending consideration on merits, it can not be said that the act on the part of the respondent to be contemptuous or contrary to the provisions of the Contempt of Court Act.
6. Counsel for the petitioner submits that the applicant immediately after the interim order was passed by this Court on 14.09.2018 had approached the authorities by three different applications but there was no response to the said applications, therefore, it has to be presumed that at that point of time no termination / dismissal order was passed. This Court is of the opinion that the contention of the Counsel for the petitioner is a fact which requires an enquiry put before reaching to the conclusion that whether the petitioner was in fact terminated by back dated order or not which again is a issue

which can not be agitated under the contempt jurisdiction of this Court.

7. Reserving the right of either side to claim proper relief in writ petition pending i.e. writ petition No. 6040/2018. Accordingly, the contempt petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge