

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 857 of 2019**

Birendra Kumar son of Sagun Singh Gond, aged about 43 years, R/o. Kodarbhandh, Post Tappa, Tahsil Dongargaon, Distt. Rajnandgaon (CG)

-----Applicant

Versus

1. Shri Jai Singh Mahsake, Secretary, Forest Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur CG
2. Shalini Raina, Chief Conservator Of Forest, Chhattisgarh, Raipur, District Raipur CG
3. S.S.D. Badgaiya, Conservator Of Forest, Durg, District Durg CG
4. Prany Mishra The Divisional Forest Officer, Forest Division Doudilohara, District Rajnandgaon, CG
5. Prany Mishra The Forest Range Officer, Forest Range Doundilohara, Forest Division Doundilohara, District Rajnandgaon CG
6. M. Govind Rao, S/o M.S. Rao Retired Forest Divisional Officer, Balod Division, Balod, District Balod (Chhattisgarh) At Present R/o. Dharampura, Radhaswami Satsang Chowk, Pani Tanki, Pan Thela Ke Pas, Raipur, District Raipur CG

---- Non-applicants

For the Applicant	:Shri Jitendra Gupta & Shri S.S. Masih, Adv.
For the Non-applicant No.1 & 4	:Shri Syed Majid Ali, Advocate
For the Non-applicant No. 2	:Ms. Sunita Jain, Advocate
For the Non-applicant No. 3 & 6	:None

Hon'ble Shri Justice Sharad Kumar Gupta

Order on Board**25/02/2020**

1. Heard on admission.
2. Applicant has preferred this contempt petition under Article 215 of the Constitution of India read with Section 11/12 of the Contempt of Courts Act against the non-applicants.
3. Earlier while dealing the Writ Petition (S) No. 4528/2018 this Court has passed an order on 11/07/2018 para 6 & 7 of the same are relevant and extracted here-below :-

“6. Considering the submission of learned counsel for the parties and taking note of the fact that till date no

decision has been taken in the case of the petitioner in the matter of his claim for regularization under circular dated 05.03.2008, the petition at this stage is disposed off with the direction to respondent to examine the petitioner's claim for regularization in accordance with the terms and conditions of circular dated 05.03.2008. While so considering case of the petitioner, the period during which the petitioner remained out of employment shall also be taken into account. That is to say, the petitioner shall be deemed to have continued in service from the initial date of appointment till date.

7. Appropriate Scrutiny Committee should complete the exercise within the period of three months from the date of receipt of copy of this order. The Chief Conservator of Forest shall issue necessary direction also for expeditious disposal of the case of the petitioner in accordance with the direction which is now being issued to the Chairman of the Scrutiny Committee.”

4. As per Annexure R-2, a meeting of the Scrutiny Committee was held on 31/08/2018. The Committee considered the case of the applicant in light of circular dated 05/03/2018 and found that applicant is not eligible for regularization.
5. As per Annexure R-1 Divisional Forest Officer, Forest Division Balod vide order dated 06/10/2018 declared that applicant is not eligible for regularization.
6. It is equivocal that order of this Court dated 11/07/2018 has been complied with true spirit and perspective.
7. Consequently, no contempt case is made out against non-applicants. Hence, instant contempt petition being devoid of merit is dismissed in *limine*.

Sd/-
(Sharad Kumar Gupta)
Judge