

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT. No. 892 of 2019**

Vinod Singh Bhadoriya S/o Late Shri S. S. Bhadoriya, Aged About 50 Years, Occupation - Lecturer, R/o Quarter No. LIG-4, Bodhghat Colony Jagdalpur, District – Bastar, Chhattisgarh

---- Petitioner**Versus**

H. R. Som, The District Education Officer Bastar, Jagdalpur, District - Bastar Chhattisgarh

---- Respondent

For Petitioner	:	Mr. Avinash K. Mishra, Advocate
For Respondent	:	Mr. Vipin Tiwari, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****21.01.2020**

1. The present contempt petition has been filed alleging the non-compliance of the order dated 06.08.2019 passed by this Court in WPS No. 5823 of 2019.
2. The present contempt petition has been filed impleading the District Education Officer, Bastar, Jagdalpur as a party. The direction by this Court in the said writ petition was in fact for making a representation to the respondent no.2 therein, within a period of 10 days and the authority to decide the same. Meanwhile, there was a stay of the effect and operation of the impugned order so far as the petitioner is concerned.
3. The authority to whom the representation was to be made is not a party

in this contempt petition and it is that authority i.e. the Director, Public Education Department who was supposed to take a decision.

4. So far as the present respondent is concerned, he has brought before this Court an order by which it has been said that the question of stay of the effect and operation of the transfer order would not arise as the petitioner promptly after the order of attachment was cancelled had joined at the original place of posting on 08.07.2019 itself. This fact was not brought to the notice of the Court when the interim order was passed on 06.08.2019 i.e. almost after one month from the date the petitioner is said to have complied with the impugned order in the writ petition.
5. Perusal of the records of the writ petition reveals that this fact of the petitioner having complied with the order was not mentioned neither in the pleadings of the writ petition nor in the application for grant of interim relief.
6. Given the aforesaid facts and circumstances of the case, firstly inasmuch as the petitioner having complied with the order and secondly for no specific direction being issued to the present contemnor in the writ petition, this Court is of the opinion that no contempt as such is made out against the respondent and he is discharged of the contempt proceedings.
7. Reserving the right of the petitioner to avail other remedies open to him, the contempt petition as of now stands disposed of.

Sd/-
P. Sam Koshy
Judge