

NAFR

HIGH COURT OF CHHATTISGARH BILASPUR**Order Reserved on 25.02.2020****Order Delivered on 02.03.2020****Contempt Case (C) No.85 of 2019***(Arising out of order dated 03.05.2018 passed in Writ Petition (PIL) No.101 of 2017 by the learned Division Bench)*

Dinkar Rao Waretwar S/o Ganpat Rao Waretwar Aged About 62 Years
R/o C-1, Street No. 8, Zone - 3, New Adarsh Colony, Durg, District
Durg Chhattisgarh.

---- Petitioner**Versus**

1. Jai Singh, Secretary Department of Forest, Mahanadi Bhawan, New Raipur, Police Station - Rakhi, District Raipur, Chhattisgarh.
2. Mudit Kumar Singh Principal Chief Conservator Forest, Aranaya Bhawan, Medical College Road, Police Station Ganj, Raipur, District Raipur, Chhattisgarh.
3. Smt. Sangeet Gupta Chief Conservator Forest, Circle Raipur, Medical College Road, Raipur, Police Station Ganj, District Raipur Chhattisgarh.
4. Rajesh Pandey Divisional Forest Officer, Gariyaband, District Gariyaband, Chhattisgarh.
5. Shyam Dharde Collector, Gariyaband, District Gariyaband Chhattisgarh.
6. M.R. Ahire Superintendent of Police Gariyaband, District Gariyaband Chhattisgarh.

---- Respondents

For Petitioner : Shri Jitendra Gupta, Advocate

For Respondent No.3 : Shri Syed Majid Ali, Advocate

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****C A V Order****P.R. Ramachandra Menon, Chief Justice**

1. Alleged willful disobedience of the direction given by this Court as per judgment dated 03.05.2018 passed in Writ Petition (PIL) No.101 of 2017 is projected in this case to proceed against the Respondents/Contemnors and to punish them in accordance with law.

2. The sequence of events which led to the judgment reveals that, the Petitioner herein had moved this Court by filing the writ petition referring to the various illegalities committed by the officials of the Forest Department at different levels, which was being perpetuated in all respects causing serious loss to the public exchequer because of embezzlement of money and other financial irregularities.

3. When the matter came up for consideration before the Bench, a reference was made to the verdict dated 04.07.2017 passed in Writ Petition (PIL) No.66 of 2017, alerting the Government as to necessity to take further steps pursuant to the enquiry made in connection with the affairs mentioned therein and to have it concluded within six months; observing that, the grievance appears to be of similar lines. Writ Petition (PIL) No.101 of 2017 was also disposed of directing that, the steps sought to have been taken by the official Respondents in furtherance to the enquiry shall be carried forward and concluded without fail within an outer limit of six months from the date of receipt of a copy of the order. This direction is almost similar to the direction given by the Bench as contained in paragraph-5 of the verdict passed in Writ Petition (PIL) No.66 of 2017.

4. In the course of further proceedings, the 3rd Respondent, who is the Chief Conservator of Forest, Government of Chhattisgarh, has appeared through her counsel and a detailed return/reply dated 09.11.2019 has been filed, giving even minute particulars as to the course of action pursued and that, the direction given by this Court has already been complied with by taking further steps based on the enquiry concluded and contending that, there was no contemptuous act on the part of the Respondents/Contemnors.

5. When the matter came up for consideration on 14.01.2020, we passed the following order :

“Mr. Jitendra Gupta, Advocate for the petitioner.

Mr. S.Majid Ali, Advocate for the respondents.

Mr. Majid Ali, learned counsel appearing for the respondents/contemnors submits that the direction given by the learned Single Judge in the judgment has been complied with. The enquiry ordered was completed to ascertain the facts and figures, wherein as many as 28 employees/officials were found as having involvement in the mischief. In the said circumstance, disciplinary enquiry was ordered against them and 23 cases have been concluded and final orders have been passed, and they have been inflicted with the punishment as ordered by the disciplinary authority. Some employees who were not found guilty were exonerated of the charges. Some of the employees who were found guilty have already moved this Court by filing writ petitions, and two such writ petitions came to be disposed of giving appropriate directions on 19-12-2019.

The learned counsel for the respondents seeks for time to file affidavit as to the sequence of events.

List this matter after two weeks.”

Pursuant to the said order, an additional affidavit dated 03.02.2020 has been filed by the 3rd Respondent also producing some additional documents as Annexure R-3/2 to Annexure R-3/30.

6. We heard Shri Jitendra Gupta, the learned counsel appearing for the Petitioner as well as Shri Syed Majid Ali, the learned counsel representing the 3rd Respondent at length.

7. As mentioned already, the only direction given by this Court, though various prayers were made by the Writ Petitioner in the writ petition, was as contained in paragraph-2, which is extracted below :

“2. In the result, this writ petition ordered directing that the steps shown to have been taken by the official respondents in furtherance of the enquiry shall be carried forward and concluded without fail within an outer limit of six months from the date of receipt of copy of this order.”

8. The 3rd Respondent has filed the return pointing out that, the Department had already constituted three different Committees to enquire into the subject matters and that the Committees, on conclusion of the enquiry, gave the final reports on 28.03.2017; 06.07.2017/30.11.2017 and 06.09.2017 respectively. The enquiry by the Committees revealed that as many as 28 persons were involved in the matter (DFOs, Sub-DFOs, Forest Rangers, Forest Deputy Rangers, Forester, Forest Guards, Assistant Grades-II and Assistant Grades-III). All the above persons were served with show-cause notice on different dates, particulars of which have been given in the said return and copies of the said notice/explanation have been produced collectively.

9. Since the reply was not found satisfactory, the employees/officers were served with charge-sheets. The enquiry was completed in respect of 23 officers/employees and in the remaining cases, it was going with maximum pace. Based on the findings in the enquiry conducted in terms of the relevant provisions of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966, the officers/employees were inflicted with different punishments, based on the proven gravity of the misconduct, which included demotion to the lower post, barring of increments with cumulative effect, barring of increments without cumulative effect etc. In respect of some of the

officers/employees, who were found guilty, they had crossed the age of superannuation and in the said circumstance, the State Government has been addressed as to the further course of action to be taken in tune with the relevant provisions of the Chhattisgarh Civil Services (Pension) Rules, 1976. In respect of some others, the enquiry revealed that they were not guilty, who were exonerated of the charges based on the finding, as above.

10. The learned counsel for the 3rd Respondent submits that, based on the outcome of the enquiry conducted by appointing different Committees, further steps were pursued by initiating departmental action and based on the proven misconduct in the departmental enquiry, appropriate punishment has been imposed on them. This being the position, the proceedings have been taken to logical conclusion and the judgment passed by this Court has been complied with in the right spirit and perspective.

11. After hearing both the sides and ongoing through the materials brought on record, we find that the allegation of willful disobedience of the judgment passed by this Court is not correct or sustainable.

12. In the said circumstance, without prejudice to further action to be pursued, including setting the criminal law in motion wherever it is necessary, the contempt matter stands closed.

Sd/-
(P. R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge