

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT. No. 1188 of 2019**

P. N. Sinha S/o Late R. B. Sinha, Aged About 57 Years, Presently
Posted As Principal Class- II, Government ITI Bastar, District Bastar,
Chhattisgarh

---- Petitioner**Versus**

1. Smt. Renu G. Pilley, Principal Secretary, Department Of Skill Development, Technical Education And Employment, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh
2. Shri R. P. Jain, Commissioner, Departmental Enquiry, Old Secretariat Campus, D.K.S. Bhawan, Raiupr, District Raipur, Chhattisgarh

---- Respondents

For Petitioner : Mr. Shashank Thakur, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****06.01.2020**

1. The present contempt petition has been filed alleging the disobedience of the order dated 27.02.2019 passed by this Court in WPC No. 1357 of 2019.
2. The challenge in the said writ petition was to the charge sheet dated 18.03.2016 and the disciplinary proceedings that were drawn against the petitioner. It would be relevant at this juncture to reproduce the operative part of the order passed by this Court:

“12. This aspect can also be looked into by the disciplinary authority on the petitioner submitting a detailed reply to the

charge sheet. This Court therefore is reluctant to entertain the petition at this juncture.

13. Given the entire facts and circumstances of the case, this petition stands rejected reserving the right of the petitioner to participate before the disciplinary authority and prove his innocence. The department also is expected to take a prudent stand particularly in the light of the corrigendum which have been issued vide note sheets of the higher authorities relaxing the eligibility conditions, and decision of this court in the bunch of writ petitions leading being WPS No. 4805 of 2015 and other analogous writ petitions decided on 09.10.2017.”

3. A plain reading of the aforesaid two paragraphs by itself would reflect that this Court was not inclined to entertain the writ petition and had rejected the same. However, while rejecting the writ petition this Court had made certain observation expecting the respondents to proceed and act in a prudent manner. It is this observation which according to the petitioner is not being honoured and the respondents have deviated in an entirely different direction leading to the filing of this contempt petition.
4. At the outset, this Court is of the opinion that since this Court had specifically rejected the writ petition, there was no specific mandamus issued to the respondents. Moreover, the observation was only to the extent of expecting the respondents to act in a prudent manner.
5. Now, if at all the contention of the petitioner is that the respondents are not acting in a prudent manner, the same cannot be held to be an act of contempt, particularly in the light of the fact that this Court had rejected the writ petition at the first instance. If the petitioner is aggrieved of any subsequent development so far as the action on the part of the

respondents is concerned, the same would only be a fresh cause of action and which can only be tested in a fresh proceeding initiated by the petitioner. The veracity of the subsequent action cannot be tested under the contempt jurisdiction by this Court in the light of the order which stands reflected in the preceding paragraph.

6. Thus, reserving the right of the petitioner to avail appropriate remedy open to him, the contempt petition as of now stands disposed of.

**Sd/-
P. Sam Koshy
Judge**