

HIGH COURT OF CHHATTISGARH, BILASPUR**Contempt Case (C) No.240 of 2021**

Rajju Ram Dhruw, S/o Late Shri Khamman Singh Dhruw, aged about 55 years, R/o Village-Ushan, P.S.-Marwahi, Distt.-Pendra Marwahi Gorela (CG)

----- **Petitioner**

Versus

1. R.N.Hiradhar Ex.(The then), District Education Officer, Bilaspur, Distt.Bilaspur Presently posted as Deputy Director, School Education Department, Bilaspur, Distt.-Bilaspur (CG)
2. Ashok Bhargav, District Education Officer, Bilaspur, Distt.-Bilaspur (CG)

----- **Respondents/Contemnors**

For Petitioner	: Mrs.Anju Ahuja, Advocate
For Respondent No.1	: Mr.Anoop Mazumdar, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

6.8.2021

1. Proceedings of this matter has been taken-up through video conferencing.
2. Mrs.Anju Ahuja, learned counsel for the petitioner, would submit that the order passed by this Court in WPS No.6390/2016 dated 30.1.2017 has not been considered in its letter and spirit, though three years period has elapsed from passing of the order, therefore, the respondents / contemnors be punished for willful disobedience of lawful order passed by this Court.
3. On the other hand, Mr.Anoop Mazumdar, learned counsel for respondent No.1, would submit that order dated 30.1.2017 has been complied with in its letter and spirit.

4. I have heard learned counsel for the parties and considered their rival submissions made hereinabove and also went through the records with utmost circumspection.

5. Operative part of order dated 30.1.2017 passed in WPS No.6390 of 2016 states as under:-

"3. Be that as it may, respondent No.3 is directed to consider the case of the petitioner for salary/initiation of departmental enquiry as early as possible preferably within a period of 45 days from the date of receipt of copy of this order. It is made clear that this Court has not expressed any opinion on merits of the case."

6. Return has been filed by respondent No.1/ contemnor No.1 in which they have stated that on 1.7.2021 the order was passed by the State Government and departmental enquiry has been concluded and the petitioner has been inflicted with penalty of stoppage of two increments with cumulative effect under Rule 10 (iii) of the Chhattisgarh Civil Services (Classification, Control & Appeal) Rules, 1966 and also directed for recovery of ₹4,20,292/- with break of 327 days, as such, one part of the order qua departmental proceeding has already been taken and departmental proceeding has already been finalized. So, this part of order has now been complied with.

7. So far as second part of order regarding salary for 22 months is concerned, it is the case of the respondents that on 28.6.2021 the District Education Officer,

Gourela-Pendra-Marwahi has informed the Joint Director (Education), Bilaspur that he has directed for payment of 75% subsistence allowance and arrears as per recommendation of 7th Pay Commission to the petitioner.

8. In that view of the matter, order in question dated 30.1.2017 appears to have complied with substantially. However, the petitioner is at liberty to question the order dated 1.7.2021 in accordance with law.

9. So far as delay in complying with the order is concerned, it appears that the competent authority to finalize the departmental proceedings was the State Government, whereas in the order dated 30.1.2017 only direction has been issued to respondent No.3/District Education Officer, therefore, delay in complying with the order is hereby condoned.

10. Accordingly, rule issued is hereby discharged and the contempt case is closed. No order as to cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-