

HIGH COURT OF CHHATTISGARH AT BILASPUR

Contempt Case (Civil) No. 550 of 2021

1. Dr. Ramadhar Prasad Pandey S/o Late Shri Kalika Prasad Pandey Aged About 65 Years Occupation- Assistant Professor (Ex-In-Charge Principal) D.P. Vipra College Old High Court Road, Bilaspur, Chhattisgarh.

---Petitioner(s)

Versus

1. Dr. Smt. Anju Shukla Principal, D.P. Vipra College, Old High Court Road, Bilaspur, Chhattisgarh.

---Respondents

For Petitioner	:	Shri Prakash Tiwari and Shri RK Kesharwani, Advocates.
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Hon'ble Shri Justice P. Sam Koshy

Order on Board

09.08.2021

1. The present contempt petition has been filed alleging non compliance and willful dis-obedience of the order dated 28.06.2021 passed in WPS No.4965 of 2020. For ready reference, the order passed by this court is reproduced here in under:

“2. Today, when the matter was taken up for hearing, learned counsel for the petitioner shared a document issued from the office of the Additional Director (Finance), Higher Education Department dated 28.06.2021 directing that since the competent authority had not taken necessary approval of the suspension order within a period of 90 days and 90 days period having lapsed, the order of suspension has lost its efficacy and therefore, the order of suspension has been ordered to be revoked.

3. In view of the fact that the State authorities have already ordered for revocation of the order of suspension and also taking into consideration the fact that the petitioner is going to superannuate from service w.e.f. 30.06.2021, the present writ petition is being disposed of directing the respondent no.3 to immediately take appropriate steps in the light of the order of

the state authorities dated 28.06.2021 so that the petitioner may not retire as a suspended employee.”

It is this order which is said to be flouted by the contemnor.

2. Today when the matter was taken up there was a review petition also filed before this court by the College authorities seeking review of the same order i.e. Review Petition No.111 of 2021. In the review petition it has been categorically stated by the counsel appearing for the review petitioners that the order of the State Govt. dated 28.06.2021 had already been challenged by the College authorities in a separate writ petition i.e. WPC No.2865 of 2021 and that writ petition is still pending consideration before the High Court.
3. Given the fact that the order which is said to have been flouted by the College authorities was based on the order dated 28.06.2021 passed by the State authorities and the order of the State authorities itself being under challenge by the College authorities before the High Court in the aforementioned writ petition which is pending and during the pendency of this writ petition where the college authorities are trying to assail the order of the State Govt., any action by the College authorities by itself cannot be brought within the ambit of a contempt for the simple reason that every authority have a right to appeal and right to challenge. Rightly or wrongly the State Govt. has passed an order on 28.06.2021 revoking or quashing the order of suspension of the applicant herein. Whether the order of the State Govt. is right or whether it would be acceptable, it is for the College authorities to decide. If it is acceptable they are supposed to comply with the order of this court. If the order of the State Govt. was not acceptable to them, they have a right to challenge the same and which they have availed

by filing WPC No.2865 of 2021. The College authorities are awaiting the outcome of the said writ petition to determine the next course of action.

4. Given the fact that the order of the State Govt. dated 28.06.2021 is already challenged by the College authorities in the aforesaid writ petition and meanwhile the applicant herein crossing the age of superannuation as was indicated in the order passed by this court, the same would not by itself amount to a willful dis-obedience or the flouting of this courts order, for the reason that the respondent authorities have a right to challenge the order passed by the State authorities which they have availed. If the College authorities would not have challenged the order of the State Govt. then perhaps the contention or submissions made by the counsel for the applicant herein in the present contempt petition would have some force.
5. Under the circumstances, this court is of the opinion that no contempt as on date is made out. The right of the applicant stands reserved to approach the court in case the need so arises after the disposal of WPC No.2865 of 2021.
6. The contempt petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge