

HIGH COURT OF CHHATTISGARH AT BILASPUR**CONT No. 544 of 2021**

Bipin Kishore Xalxo S/o Late Mohan Xalxo Aged About 59 Years
 Superintending Engineer, Water Resources Circle Balrampur Chhattisgarh.
 R/o C - 28, Alka Avenue, Uslapur, Bilaspur, District Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. Shri Avinash Champawat Secretary, Water Resource Department, Mantralaya At Mahanadi Bhawan, Atal Nagar Nava Raipur, District Raipur Chhattisgarh 492002.
2. Shri Indrajeet Uikey Engineer In Chief, Water Resource Department, Shivnath Bhawan, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh 492002.

----Respondents

For Petitioner : Mr. Tanmay Thomas, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

05/08/2021

1. Present writ petition has been filed alleging willful non-compliance of the order dated 17.12.2020, passed by this Court in WPS No. 5398/2020. For ready reference the operative part of the order is reproduced hereinunder:

“6. Given the said submissions by the learned counsel for the State and also taking note of the specific pleadings that the petitioner has made in his writ petition, this Court is of the opinion that instead of calling for a reply of the respondents by admitting the writ petition, which may further prolong the promotion process for sometime it would be rather in the interest of justice if the writ petition at this juncture is disposed of directing the respondents to ensure that any promotion process that is initiated for filling up of the vacant post of Chief Engineer should be done strictly adhering to the rules and the procedures prescribed in the afore quoted Rules of 2014. Any deviation to this would be considered as violative of the Rules of 2014.

7. Expecting the respondents authorities to adhere to the aforementioned Rules in the process of finalizing the promotion process, the writ petition stands disposed of.

8. Needless to mention that the observations made by this Court would be applicable only in the event if the Rules of 2014 are in force unless the same is either amended, modified or replaced by another set of Rules.”

2. The issuance of the letter Annexure C/3 dated 06.07.2021 has given rise to the present contempt petition. The plain reading of the said letter does not reflect that the said order is in accordance with some rules other than the Rules of 2014, which this Court had directed the respondents to adhere to. Now, if at all if Annexure C/3 dated 06.07.2021 is one which is either in deviation or in violation of the rules of 2014 or any other rules governing the field as on date.
3. The only recourse available to the petitioner is to put the same to test under the writ jurisdiction of this Court, as veracity of the order (Annexure C/3) dated 06.07.2021 being violative of a particular rules cannot be tested under the contempt jurisdiction of this Court for the simple reason that the order does not reflect it to be adherent to any other rules other than Rules of 2014.
4. Given the said facts and view of this Court, reserving the rights of the petitioner to assail the order dated 06.07.2021 (Annexure C/3) under the writ jurisdiction, the present contempt petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge