
(2006) 06 CHH CK 0005
In the Chhattisgarh High Court
Case No : Contempt Petition No. 50 of 2006

Smt. Manju Verma

APPELLANT

Vs

Smt. Maya Vadiyaar

RESPONDENT

Date of Decision : 27-06-2006

Acts Referred:

Citation : (2006) 2 CGLJ 244 : (2007) 1 MPJR 34

Hon'ble Judges : Satish K. Agnihotri, J

Bench : Division Bench

Advocate : Deepali Pandey, for the Appellant; B.D. Guru and P.S. Koshy, for G.S. Mishra, Collector Rajnandgaon, for the Respondent

Judgement

S.K. Agnihotri, J.

The Petitioner has approached this Court by filing W.P. No. 4522/ 2005 which was disposed of on 11.11.2005 with a direction to pass the relieving order within a period of one week to enable the Petitioner to join the new place of posting on or before 21st November, 2005.

The Petitioner filed present petition alleging that the Respondent/ contemner had deliberately not complied with the order dated 11.11.2005 passed by this Court, ignoring the fact that the Petitioner was never relieved from her earlier place of posting. It was further averred that the Petitioner was not paid salary from June, 2005. The alleged contemner did not issue the relieving order and accordingly committed contempt of this Court.

On 11.11.2005, this Court passed following order:

Learned Counsel for the Petitioner submits that the Petitioner has no objection about the place of posting and she is ready and willing to go and work as Headmistress on the new place of posting. Since the Respondents have passed an order dated 5.9.2005 posting her as Headmistress at Middle School, Khawasphadaki, the Respondents can take no objection with regard to her

posting. The Respondents are accordingly directed to comply with the order dated 5.9.2005 and permit the Petitioner to join as Headmistress at Khawasphadaki. Learned Counsel for the Petitioner submits that the Respondents are not relieving her from present place of posting. There is no reason as to why the Respondents should not relieve the Petitioner from the present place of posting after order dated 5.9.2005 has been passed. Accordingly, the Respondents are directed to pass relieving order immediately within a period of one week so that the Petitioner will go and join the new place of posting on or before 21st November, 2005. In view of the foregoing, the petition stands disposed of.

The Respondent submitted his reply tendering unconditional apology stating that the payment of salary for the intervening period has already been made. It was further stated that the Petitioner inspite of the order dated 5.9.2005 did not join Middle School Khawasphadaki. Pursuant to the order dated 11.11.2005 passed by this Court in W.P. No. 4522/2005, the Petitioner has been relieved on 24.1.2006 for joining at the Middle School, Khawasphadaki. The Petitioner has also admitted that the Petitioner had joined at Middle School, Khawasphadaki, on 3.5.2006.

In the memo dated 2.5.2006 addressed to the Petitioner, issued by Shri G.S. Mishra, then Collector, Rajnandgaon, certain objectionable words were employed, which were contemptuous in nature. Notice was issued. In pursuance of the notice of this Court, the then Collector, Rajnandgaon immediately withdrew the said memo dated 2.5.2006 and issued an amended memo dated 9-5-2006. He had tendered unqualified apology for having inadvertently used contemptuous remarks in the memo dated 2.5.2006.

It is true that the order dated 11.11.2005 passed by this Court in W.P. No. 4522/2005 was not complied with in its letter and spirit within the prescribed time. However, keeping in view, the fact that the order has been complied with and the alleged contemner and Shri G.S. Mishra, then Collector, Rajnandgaon had withdrawn the memo dated 2.5.2006 wherein objectionable words were used, it is not proposed to take the matter to its logical conclusion by awarding punishment.

In the above circumstances, it cannot be held that there was lawful and deliberate disobedience of the order of this Court on the part of the contemner and deliberate and willful use of contemptuous words by Shri G.S. Mishra, then Collector, Rajnandgaon. However, the contemnors are warned not to recur this conduct in future.

The contempt is accordingly discharged and contempt petition stands disposed of. No order as to costs.