

(2019) 02 CHH CK 0250
In the Chhattisgarh High Court
Case No : Contempt Case (C) NO. 1292 Of 2018

Yogendra Tiwari	Vs	APPELLANT
Sanjay Pilley		RESPONDENT

Date of Decision : 15-02-2019

Acts Referred:

Citation : (2019) 02 CHH CK 0250

Hon'ble Judges : P. Sam Koshy, J

Bench : Single Bench

Advocate : Palash Tiwari, Jitendra Pali

Final Decision : Disposed Of

Judgement

P. Sam Koshy, J

1. Alleging willful non compliance of the order dated 30.08.2018 passed by this court in WPS No.5672 of 2018, the present contempt petition has been filed.
2. The claim of the petitioner was for promotion from the post of Constable to the post of Head Constable as the juniors to the petitioner have already been considered for promotion long back.
3. This court while disposing of the writ petition had already directed the respondents to open the sealed cover in respect of the case of the petitioner as the DPC on an earlier occasion considered the case of the petitioner for promotion, but it kept the recommendation in a sealed cover on account of criminal case pending against the petitioner before a criminal court. The said criminal case subsequently resulted in his acquittal which has led to the opening of the sealed cover.

4. The respondent now has brought certain documents to the notice of the court wherein they have also produced an order dated 18.01.2019 which would show that pursuant to the opening of the sealed cover the petitioner has been granted promotion to the post of Head Constable with effect from the date his immediate juniors were promoted i.e. 28.09.2006. He further submits that so far as further consequential benefit of next promotion is concerned, the representation of the petitioner in this regard is already pending consideration and the same is in the process of being determined and the petitioner would be granted all benefits that he would otherwise be entitled for under the rules particularly in the light of the order dated 18.01.2019 that they have passed placing the petitioner over and above his immediate junior.

5. On the said submissions made by the counsel for the respondent, this court is of the opinion that prima facie the compliance of the order dated 30.08.2018 has been done. However, so far as consequential relief is concerned, the respondent is expected to take a decision at the earliest as per rules keeping in view the age of the petitioner, reserving the right of the petitioner to approach the court, in case, if the petitioner is still deprived of certain benefits at par with his immediate juniors.

6. The contempt petition accordingly stand disposed of.