

**THE HIGH COURT OF MADHYA PRADESH, PRINCIPAL SEAT AT
JABALPUR**

Conc. No.	2798 of 2019
Parties Name	P. N. Chaturvedi Vs. Shri Chandramohan Thakur and another
Bench Constituted	Single Bench
Judgment delivered by	Hon'ble Shri Justice Vishal Dhagat.
Whether approved for reporting	Yes/No
Name of counsel for parties	For petitioner : Shri Manoj Kumar Sharma and Shri Amardeep Gupta, Advocate. For respondents : Shri Shashank Shekhar, Advocate General, Shri Praveen Dubey, Deputy Advocate General and Shri Rohit Sohgaura, Government Advocate. Shri Chandra Mohan Thakur, Collector, Anuppur in person.
Law laid down	
Significant paragraph numbers	

(ORDER)
14.05.2020

1. Petitioner has filed the present contempt petition against respondent No.1 and 2 for willful disobedience and breach of order dated 30/08/2019 passed by this Court in WP No. 17988/2019.
2. Brief facts of the case is that petitioner, who is working as Assistant Commissioner Tribal Welfare, Anuppur was transferred to Gwalior vide order dated 24/08/2019. Said order was challenged by the petitioner by filing writ petition No. 17988/2019 before this Court. Impugned transfer order dated 24/08/2019 was stayed by this Court vide order dated 30/08/2019. Petitioner communicated the order dated 30/08/2019 passed in

writ petition to respondent No.1 by preferring representation dated 03/09/2019. Respondent No.1 on the note sheet mentioned that charge of Assistant Commissioner Tribal Welfare, Anuppur has been given to D.S. Rawat much before transfer order dated 24/08/2019 and advised the petitioner to join in the district as per government order.

3. The counsel appearing for the petitioner argued that respondent No.1 willfully and deliberately disobeyed the order passed by this Court dated 30/08/2019. By the said order, transfer order was stayed and this Court had given a direction that if petitioner has been relieved and if somebody has been brought in his place even then petitioner shall be allowed to continue at his place of posting i.e. at District Anuppur.
4. Learned Advocate General appearing for respondent No.1/contemner had filed its reply and stated on affidavit that order dated 30/08/2019 has been complied with. It was further submitted that three departmental enquiries are pending against the petitioner with allegations of financial misappropriation and also an enquiry before the office of Lokayukt. Vide order dated 18/9/2018, financial powers of petitioner were taken away. Petitioner had challenged order dated 18/9/2018 in WP No. 24274/18. Said petition was disposed off with direction to the Collector to decide the representation of petitioner within a period of three months. Representation has been decided vide order dated 28/05/2019. The said order is not challenged by the petitioner. In garb of the stay order passed by this Court, petitioner wants to take back the charge which is under judicial scrutiny and confirmed by the Hon'ble Court while disposing of the writ petition with directions. It is further submitted that note sheet has been withdrawn by answering respondent and craves

mercy of this Court to ignore note sheet dated 05/09/2019. Respondent has prayed for unconditional and unqualified apology for inadvertent act or omission on his part which may amount to contempt of the lawful authority.

5. Considered the petition as well as the reply filed by the contemner.
6. From the facts of the case, documents available on record and affidavits filed by the parties, it is clear that respondent No.1 has committed contempt of this Court while writing note sheet dated 05/09/2019. Not only this as is evident from the linked contempt petition No. 63/2020, another transfer order of petitioner was passed on 06/12/2019, by which petitioner was transferred from Anuppur to Barwani. Petitioner has challenged the transfer order by filing WP No. 27366/2019. Fresh transfer order was passed on face of stay order granted by this Court on 30/08/2019. Second transfer order of petitioner, which was passed on 06/12/2019 was stayed by this Court wide order dated 16/12/2019. Petitioner took charge on 20/12/2019 as Assistant Commissioner Tribal Welfare, Anuppur. S.D.O., who is working under Collector, sealed the office of Assistant Commissioner Tribal Welfare, Anuppur on 22/12/2019. Petitioner informed Collector regarding the said fact on 23/12/2019 and also informed Divisional Commissioner, Shahdol. Divisional Commissioner, Shahdol directed Collector to comply with the order passed by High Court. Collector on the contrary allowed respondent No. 3 i.e. Vivek Pandey in Contempt Petition No. 63/2020 to join as incharge Assistant Commissioner Tribal Welfare, Anuppur.
7. Some interlocutory applications are also pending in this contempt petition for adjudication. Petitioner has filed I.A. No. 1277/2020 to add Ms. Deepali Rastogi, Principal Secretary Tribal Welfare

Department, Vallabh Bhavan Bhopal as contemner No. 3. Proposed contemner No.3 has passed fresh order of transfer of petitioner dated 06/12/2019, by which petitioner has been transferred from Anuppur to Barwani. The said issue has already been raised by the petitioner by filing separate contempt petition bearing No. 63/2020. In view of same, application for amendment i.e. I.A. No.1277/20 in contempt petition is dismissed.

8. I.A No. 111/2020 is filed by the petitioner stating therein that due to mistake notices has again been issued to respondent number No. 1, though application has already been allowed and therefore, prayer is made for recalling of order dated 19/12/2019. The prayer of the petitioner's counsel seems to be reasonable. The order dated 19/12/2019 has been passed due to some typographical error or mistake. Respondent No.1 has already appeared in the case and filed its reply, therefore, the said order may be ignored.
9. It is not a case where Collector has committed a single mistake and thereafter he has relented by withdrawing its note sheet dated 05/09/2019. After writing of note sheet dated 05/09/2019, under the directions of Collector, S.D.O. has sealed the office of Assistant Commissioner Tribal Welfare, Anuppur on 22/12/2019 and he was not allowed to work as Assistant Commissioner Tribal Welfare. The action of respondent No.1 was contemptuous in nature. He openly, voluntarily and willfully defied the order passed by this Court on 30/08/2019.
10. This Court finds that respondent No.1 namely Chandra Mohan Thakur, Collector Anuppur has committed contempt of this Court by committing willful breach of order dated 30/08/2019.
11. In view of aforesaid finding arrived at by this Court, Registry is directed to issue notice to Chandra Mohan Thakur, Collector Anuppur to appear before this Court on hearing on the question of

punishment to be imposed upon him for committing the contempt of this Court.

12. Let this matter be listed for hearing after end of lockdown period when Court starts regular hearing of matters.
13. Meanwhile, notices be issued to respondent No. 1 to show cause why punishment may not be imposed upon him for committing breach of order dated 30/08/2019.

**(Vishal Dhagat)
Judge**

vkt