



HIGH COURT OF CHHATTISGARH AT BILASPUR

CONT No. 554 of 2021

1 - Rajendra Kumar Tiwari S/o Late Shri Kushal Prasad Tiwari Aged About 73 Years Retired Teacher, R/o Mig 19, Shivaji Nagar, Korba District Korba Chhattisgarh.

... **Petitioner(s)**

versus

1 - Mahadev Kavre (Chairman Of Committee) Posted As Director , Treasury , Accounts And Pension , Indravati Bhawan, Nawa Raipur , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2 - Ashok Kumar Josh Senior Deputy Accountant General (Member Of Committee), Indravati Bhawan, Nawa Raipur , District Raipur Chhattisgarh.

3 - R.P. Rathiya (Member Of Committee) Deputy Secretary , General Administration Department , Indravati Bhawan, Nawa Raipur , District Raipur Chhattisgarh.

4 - J.P. Rath (Member Of Committee) Posted As Deputy Director , Public Instructions, Indravati Bhawan, Nawa Raipur , District Raipur Chhattisgarh.

5 - Neelkanth Tikam Chairman, Pension Adjudication Committee, General Administration Department, Government Of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar., District : Raipur, Chhattisgarh

6 - Dr. Alok Shukla Posted As Principal Secretary, Government Of Chhattisgarh, School Education Department, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar., District : Raipur, Chhattisgarh

--- **Respondent(s)**

(Cause title is taken from CIS system)

For Petitioner	: Mr. U.K.S. Chandel, Advocate
For Respondent No.2	: Mr. Raj Kumar Gupta, Advocate
For Respondents No.1, 3 & 4	: Ms. Shailja Shukla, Advocate
For Respondent No.5	: Mr. Amrito Das, Advocate
For State	: Mr. Atanu Ghosh, Advocate

Hon'ble Shri Justice Parth Prateem Sahu

Order On Board



07/05/2026

1. Petitioner has filed this contempt petition alleging willful disobedience of the order dated 09.05.2018, passed in WPS No.2723 of 2015 by respondents/contemnors.
2. Learned counsel for petitioner herein would submit that petitioner, who retired from the post of Upper Division Teacher from the Government Girls Higher Secondary School, Sada, Korba was not paid the entire amount of GPF, which was due according to him in fact has issued a letter with minus balance. In the writ petition filed by petitioner bearing WPS No. 2723 of 2015, the Court has considered and noticed crucial facts, Additional Superintendent of Police has prepared the report finding the financial irregularities by concerned authorities dealing with GPF of government employee working within territorial jurisdiction and also the fact that based on the report, District Education Officer has initiated departmental enquiry against the then Block Education Officer C.K. Kanwar and was demoted to lower post. The Court remitted back the matter to the Pension Committee constituted by the State Government to conduct re-enquiry in the case of the petitioner's dispute with regard to payment of GPF amount to him. Report was submitted by the Pension Committee, however, it was not in accordance with the order passed by the High Court. He contended that in the report, there is mention that the documents sent to handwriting expert and based upon which the Committee came to conclusion that signature appears to be of one and the same person, which is erroneous as the signatures, produced by the same



government officials against whom there are allegation of committing financial irregularities.

3. Learned counsel for respondent No.5 would submit that petitioner himself has placed on record the report submitted by the Pension Committee along with covering memo dated 04.11.2022 which is dated 21.10.2022. Referring to para -8 of the order in the writ petition, subject matter of contempt he would submit that there was a direction to the Committee to re-enquire and give detailed report expeditiously. Upon which enquiry Committee has submitted the report and thereby there was substantial compliance on the part of the Committee, which includes respondent No.5. He contended that if for any reason, petitioner is aggrieved with the report submitted by the Committee or its order, petitioner could have challenged the same. Petitioner though had filed the order based on the report as back as on 04.11.2022, which sows that petitioner was well aware with regard to decision of the Committee and for the reasons best known to petitioner, he has not challenged the said order of the Committee. He also pointed out that after passing of an order pursuant to the order passed by this Court, signatures have been again sent to the State Examiner in which it has come two signatures sent for examination were not matching/tallying, however, petitioner could have filed appropriate proceedings on that ground also challenging the decision of the Committee.
4. I have heard learned counsel for the respective parties and also perused the order passed in the writ petition.
5. True it is that the Court in its order has recorded glaring fact revealed during the course of hearing and direction was also issued to the



Collector and Superintendent of Korba to take prompt decision based on the report of the Additional Superintendent of Police. The Collector and Superintendent of Police are not parties to this contempt proceedings. Members of the Pension Committee is made as respondent No.5 and likewise other officials of the State are arrayed as party in person.

6. It was argued by Ms. Shukla, counsel for respondents No.1, 3 & 4 that respondent No.1 and 3 were earlier member of the Committee, however, after issuance of direction by the Court and on the date, report was submitted by the enquiry Committee, before the Pension Committee, they were not members.
7. The direction of the High Court in order, subject matter of contempt petition is to re-enquire into the matter by the Committee and based on the enquiry report to dispose of the claim of petitioner. The Committee upon considering the re-enquiry report has passed the order on 21.10.2022 recording that there was minus balance in GPF account of petitioner. In the aforementioned facts of the case, in the opinion of this Court, there is substantial compliance on the part of respondents of the direction issued by writ Court in the order dated 09.05.2018, subject matter of this contempt petition.
8. Petitioner could have very well challenged the decision of the Pension Committee dated 21.10.2022 when it come to his knowledge in month of November, 2022. The order of Pension Committee is filed by the petitioner in this case along with covering memo dated 04.11.2022.



9. In case of **Bihar State Govt. Sec. Sci. Teachers Assn. Vs Ashok Kumar Sinha and others, (2014) 7 SCC 416** Hon'ble Supreme Court has observed thus:-

“19. At the outset, we may observe that we are conscious of the limits within which we can undertake the scrutiny of the steps taken by the respondents, in these Contempt proceedings. The Court is supposed to adopt cautionary approach which would mean that if there is a substantial compliance of the directions given in the judgment, this Court is not supposed to go into the nitty gritty of the various measures taken by the Respondents. It is also correct that only if there is willful and contumacious disobedience of the orders, that the Court would take cognizance. Even when there are two equally consistent possibilities open to the Court, case of contempt is not made out. At the same time, it is permissible for the Court to examine as to whether the steps taken to purportedly comply with the directions of the judgment are in furtherance of its compliance or they tend to defeat the very purpose for which the directions were issued.”

10. In the case at hand in compliance of the order of High Court, Pension Committee based on the enquiry report passed an order as early as on 21.10.2022. The decision according to petitioner may be erroneous for some reason, which can be subject matter of challenge. Hence, in the opinion of this Court petitioner could not able to make out a case of willful disobedience of the order/direction of the High Court on the part of the respondents.



11. For the foregoing, no further proceeding in this contempt petition is required. Accordingly, this contempt proceeding is dropped, contempt notice stands discharged and the contempt petition is closed.

Sd/-
(Parth Prateem Sahu)
Judge

Balram