



2026:CGHC:24474



2026:CGHC:24474

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CONT No. 72 of 2026

Kanhaiya Lal Prasad S/o Rameshwar Prasad Aged About 63 Years R/o Kuan Bhatta, Ashish Petrol Pump, Korba, P.S., Kotwali, Korba, Distt. Korba, Chhattisgarh.

... Petitioner

versus

Indrajit Uikey Engineer In Chief, Department of Water Resources, Shivrath Bhawan, North Block, Sector 19, Atal Nagar, New Raipur, Distt. Raipur, Chhattisgarh.

... Respondent

For Petitioner	Mr. Sandeep Shrivastava, Advocate
For Respondent	Mr. Rakesh Kumar Jha, Advocate

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

17/06/2026

Heard.

1. The present contempt petition has been filed alleging wilful and deliberate disobedience of the order dated 17.02.2025 passed by this Court in W.P.(S) No.5395 of 2024.
2. The brief facts of the case are that the petitioner had earlier approached this Court by filing W.P.(S) No.5395 of 2024 questioning the recovery of



two advance increments allegedly granted to him and the consequential withholding of a part of his retiral dues. Upon consideration of the rival submissions, this Court disposed of the writ petition by order dated 17.02.2025 with the following direction:

"8....Thus, considering the facts and circumstances of the case, the respondents No.2 to 5 are directed to take an appropriate decision on the claim of the petitioner for settlement of his retiral dues particularly in respect of non releasing of 10 percent of retiral dues which has been withheld. Let an appropriate decision be taken within an outer limit of 60 days from the date of receipt of copy of this order. While taking a decision, the concerned respondents shall take into consideration the circular of the erstwhile Madhya Pradesh State Government dated 04.04.1987 in respect of increment which has been granted to the petitioner in the year 2001."

3. The allegation in the present contempt petition is that the aforesaid direction has not been complied with and, therefore, the respondents have rendered themselves liable for action under the Contempt of Courts Act, 1971.
4. This Court has carefully examined the order passed in W.P.(S) No.5395 of 2024 as well as the documents annexed by the petitioner himself along with the present contempt petition. A plain reading of the order dated 17.02.2025 would show that this Court did not issue any specific direction for release of the withheld retiral dues or for grant of any particular relief in favour of the petitioner. The direction issued by the



writ Court was limited in nature, namely, to take an appropriate decision on the petitioner's claim while taking into consideration the circular dated 04.04.1987.

5. Vide covering memo the petitioner has filed a copy of the communication dated 21.04.2026 issued by the Office of the Joint Director, Treasury, Accounts and Pension, Bilaspur Division, Bilaspur. The said communication reveals that the case of the petitioner was examined with reference to the circular dated 04.04.1987 and the service particulars of the petitioner. The authority concerned considered the question as to whether the petitioner was entitled to the benefit of advance increments on account of acquisition of M.A. (English) qualification and recorded its conclusions thereon.
6. By the same covering memo the petitioner also placed a copy of communication dated 24.04.2026 issued by the Executive Engineer, Hasdeo Barrage Project, Rampur, Korba to the Chief Engineer, Minimata (Hasdeo) Bango Project. From bare perusal of the same it is evident that copy of the same has been endorsed to the petitioner. The said communication specifically refers to the order passed by this Court in W.P.(S) No.5395 of 2024 and also takes note of the opinion/decision communicated by the Joint Director, Treasury, Accounts and Pension, Bilaspur Division. The communication records that upon examination of the matter, the petitioner was found not entitled to the benefit claimed by him under the circular dated 04.04.1987.
7. Therefore, from the documents filed by the petitioner himself, it is evident that subsequent to the order dated 17.02.2025, the competent



authorities examined the petitioner's claim, considered the circular dated 04.04.1987 as directed by this Court and thereafter arrived at a decision on the issue.

8. The question which falls for consideration in contempt jurisdiction is not whether the decision taken by the authorities is correct or incorrect, but whether the direction issued by the Court has been complied with. Contempt jurisdiction is concerned with enforcement of the order of the Court and not with adjudication of the correctness or legality of the decision subsequently taken pursuant to such order.
9. Once the authority has considered the claim of the petitioner and has taken a decision after taking into account the circular dated 04.04.1987, the mandate contained in the order dated 17.02.2025 stands complied with. Merely because the decision taken is not favourable to the petitioner would not furnish a ground for invoking contempt jurisdiction. If the petitioner is dissatisfied with the decision taken by the competent authority or seeks to challenge the reasoning contained therein, the appropriate remedy would be to assail the said decision before the forum known to law. Such issues cannot be gone into in a contempt proceeding. On the basis of the material available on record, this Court does not find any wilful, deliberate or contumacious disobedience of the order dated 17.02.2025 passed in W.P.(S) No.5395 of 2024. On the contrary, the documents filed by the petitioner establish that the claim was considered and a decision was taken by the competent authorities in terms of the direction issued by this Court.



10. In view of the aforesaid, no case for proceeding under the Contempt of Courts Act, 1971 is made out. Accordingly, the contempt is purged and the rule is discharged.

11. It is made clear that this Court has not expressed any opinion on the merits of the decision taken by the authorities and the petitioner shall be at liberty to avail such remedies as may be available to him under law. Contempt petition stands dismissed.

SD/-

(Bibhu Datta Guru)

JUDGE

Ashu/
Gowri