

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

Cont.(Cvl.) Case No. 240 of 2019  
(Ravi Shankar Kumar Vs. the State of Jharkhand & Ors.)

-----  
**CORAM: THE HON'BLE MR. JUSTICE DR. S.N.PATHAK**  
**(Through: Video Conferencing)**

For the Petitioners : Mr. Pravin Kr. Pandey, Advocate  
For the Opposite Parties : Mr. Mithilesh Singh, GA-IV  
-----

**11/ 17.04.2021** Pursuant to the order dated 19.03.2021, DSE, Garhwa is present in the Court through Video Conferencing.

On 19.03.2021, a specific order was passed for compliance of the Court's order dated 27.06.2018, however, it appears that till date the order of this Court has not been complied with for one reason or other. On several dates, learned counsel for the opposite parties took adjournment for complying the Court's order, but the same has not been complied with.

On perusal of the records, it appears that two show cause affidavits have been filed, assigning different reasons for non-compliance of the Court's order, those reasons are at all not acceptable to this Court.

As per the order of this Court, the case of the petitioner for promotion to Grade IV was to be considered from 26.02.2007 and further Grade VII w.e.f. 26.06.2013 on the dates, juniors to the petitioner have been considered and granted promotion, but in utter violation of the order of this Court as also the directions of the Principal Secretary vide Memo No. 03/2016 dated 15.10.2019, a plea has been taken that in view of the Resolution of the State Government dated 24 December, 2020, the DSE is not in a position to comply the order of this Court.

The order of the Court was passed on 27.06.2018. Almost 3 years have passed, instead of complying the Court's order, the Opposite Party-DSE on one plea or the other has tried to circumvent the Court's order, assigning different reasons. Nothing has been brought on record to show that the matter was ever placed before the Principal Secretary of the Department. The non-compliance is being justified by the opposite party-State as well as DSE, which amounts to gross contempt.

On the request of the learned counsel representing the State, the matter is adjourned for three weeks, by way of last chance for compliance of the Court's order dated 27.06.2018.

It is made clear that if the order of this Court is complied with within the aforesaid

period, the physical appearance of the DSE, Garhwa shall be dispensed with. However, if the order is not complied with, DSE, Garhwa shall be physically present before this Court to explain as to why not a contempt proceeding be initiated against him for willfully and deliberately flouting the Court's order.

Put up this case on 13.05.2021.

**(Dr. S.N. Pathak, J.)**

Punit/-