

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 681 of 2022

Applicant :- Ram Singh

Opposite Party :- Rajesh Kumar Saxena

Counsel for Applicant :- Nisheeth Yadav

Hon'ble Rohit Ranjan Agarwal,J.

1. The writ Court on 28.09.2021 while partly allowing Writ - A No.12765 of 2021 passed the following order :

"Heard learned counsel for the petitioner and learned standing counsel for State-respondents.

*Learned counsel for the petitioner submitted at the bar that petitioner is aggrieved only to the last paragraph of the order so far as it relates to the dismissal of service. As per U.P. Government Servant's Conduct Rule, 1956 (hereinafter referred to as, 'Rule, 1956'), in case of plurality of marriage, punishment of dismissal cannot be awarded and only minor punishment may be awarded. In support of his contention, he has placed reliance upon the judgment of this Court passed in **Shravan Kumar Pandey Vs. State of U.P. and others reported in 2010 (8) ADJ 243**. The judgment passed in **Shravan Kumar Pandey(Supra)** was also followed by this Court in **Aneeta Yadav Vs. State of U.P. and 5 Ors. (Writ-A No. 24493 of 2015)** decided on 02.05.2016 and in **Gore Lal Verma Vs. State of U.P. and 4 others (Writ-A No. 5204 of 2021)** decided on 14.07.2021. Against the judgment passed in **Aneeta Yadav (Supra)**, Special Leave to Appeal (C) No. (s) 28877 of 2016 was also filed which was dismissed by the Apex Court vide order dated 07.10.2016. Lastly, he submitted that so far as dismissal part of order is concerned, the same may be quashed.*

Learned standing counsel could not dispute the judgments relied up by learned counsel for the petitioner and submitted that liberty may be given to respondent-authority to pass fresh order in accordance with Rules, 1956.

Under such facts and circumstances of the case, impugned order dated 31.08.2021 passed by respondent No. 4, so far as it relates to the dismissal, is hereby quashed with liberty to respondent No. 4 to pass fresh order in accordance with Rules, 1956.

Accordingly, writ petition is partly allowed."

2. Against the order passed by writ Court, the State had preferred special appeal No.65 of 2022 which was dismissed as withdrawn on 22.02.2022. The applicant was reinstated on 02.04.2022.

3. Learned counsel appearing for applicant submits that pursuant to the order of the writ Court the applicant was reinstated on 02.04.2022, the applicant is also entitled for the salary for the period from October, 2021 till 31.03.2022.

4. This Court finds that substantial compliance has been made by the opposite

party as after withdrawal of the special appeal filed by the State, the applicant has been reinstated in service on 02.04.2022. In view of the said fact, the contempt application is misconceive and hereby dismissed.

5. However, it is open to the applicant to approach the appropriate forum for redressal of his grievance, if the same remained unattended by the opposite party.

6. Contempt notice stands discharged.

Order Date :- 30.11.2023

Kushal