

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 1749 of 2022

Applicant :- Rajeev Kumar

Opposite Party :- Dr. N Eswara Prasad, Presently

Counsel for Applicant :- Chandra Jeet Yadav, Kunwar Mayank Singh

Counsel for Opposite Party :- Pranay Krishna

Hon'ble Rohit Ranjan Agarwal, J.

1. The writ Court on 17.10.2019 while disposing of Writ-A No.15009 of 2019 had passed the following order :

"Petitioner's father was a Canteen Attendant in the Canteen maintained in the respondent no.2 institution. He is stated to have died in harness on 11.2.2015. It appears that an application for grant of compassionate appointment was moved by the petitioner, which had to be examined on the basis of a scheme framed by the Ministry of Defence on the '100 points scale'. It appears that for consideration of petitioner's application, certain facts and information were warranted but the same was not furnished by the petitioner. In such circumstances, petitioner's claim on merits does not appear to have been examined. By the communication impugned in the writ petition dated 9.8.2018, the department has informed that it has not been found administratively feasible to offer appointment to the petitioner on compassionate ground. This letter, however, provides that petitioner has an option to apply afresh alongwith all requisite documents, in accordance with law, and his claim shall be examined on merits, afresh.

Although learned counsel for the petitioner states that all necessary documents have been furnished but the Court is not inclined to enter into issues of fact in that regard.

In the facts and circumstances, as have been brought on record, it would be appropriate to permit the petitioner to make a comprehensive representation for grant of compassionate appointment, in terms of the liberty already granted in the impugned order dated 9.8.2018, annexing all relevant records as are desired in terms of the scheme, alongwith certified copy of this order, within six weeks from today. In case such a claim is raised, the same shall be examined by the respondent no.3, in accordance with the applicable scheme and in accordance with law, within a further period of three months, thereafter. The order impugned in the writ petition shall remain subject to the fresh orders to be passed by the authority concerned.

Writ petition, accordingly, stands disposed of."

2. From perusal of the order it is clear that the writ Court had permitted the applicant to make comprehensive representation for grant of compassionate appointment.

3. Today a compliance affidavit has been filed by the opposite party wherein it has been stated that the order of the writ Court has been complied with and representation filed by the applicant has been decided on 14.02.2023, a copy of which has been brought on record as Annexure 1 to the compliance affidavit.

4. As the order of the writ Court has been complied with and the representation of the applicant has been decided, the contempt application has rendered infructuous and stands dismissed.

5. Contempt notice stands discharged.

Order Date :- 17.10.2023

Kushal