

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 2865 of 2022

Applicant :- Ashok Kumra Singh

Opposite Party :- Ram Narain Vishwakarma, District Inspector

Counsel for Applicant :- Ajay Kumar Srivastava

Hon'ble Rohit Ranjan Agarwal, J.

The writ Court on 11.02.2022 while disposing off Writ-A No. 713 of 2022 passed the following order;

"Heard Sri Ajay Kumar Srivastava, learned counsel for the petitioner and learned standing counsel appearing for respondent nos.1, 2 and 3 and perused the record.

The instant writ petition under Article 226 of the Constitution has been filed with the following prayer:-

"i. issue a writ, order or direction in the nature of mandamus directing the respondent no.2 to consider the claim and grievances of the petitioner mentioned in the detailed representation dated 29.11.2021 in respect of the released the due salary on the suspension period since 20.03.2018 to 05.01.2021 as well as paid selection grade payment of salary, bonus, A.C.P. in accordance with law under the U.P. Intermediate Education Act and Regulation in the interest of justice."

It is contended by the learned counsel for the petitioner that the petitioner was initially appointed on 05.07.1982 on the post of Peon at Gomti Inter College, Phulpur, Prayagraj and subsequently his services were terminated by Principal of the institution vide order dated 07.05.2019. Against the said order petitioner filed an appeal before the Committee of Management which was dismissed on 27.09.2019.

Both the aforesaid orders were challenged by the petitioner before the District Inspector of Schools, Prayagraj by means of an appeal which was allowed vide order dated 11.12.2020 and the petitioner was reinstated in service. Subsequently, the petitioner joined his services w.e.f. 15.01.2021. It is contended that the petitioner has not been paid salary during the suspension period i.e. from 20.03.2018 to 05.01.2021 as well as also not accorded the selection grade, bonus etc.

The petitioner represented the matter with regard to his grievances vide representation dated 29.11.2021 before the District Inspector of Schools, Prayagraj/respondent no.2 which remains pending till date.

It is further contended that the Principal of Gomti Inter College, Phulpur, Prayagraj has recommended the said matter to District Inspector of Schools,

Prayagraj on 04.10.2021, copy of the same has been appended at page 58.

Learned standing counsel, on the other hand, submits that no useful purpose would be served by keeping this petition pending or calling for any counter affidavit and a suitable direction may be issued to the authority concerned to decide representation of the petitioner dated 29.11.2021.

In view of above, this writ petition is disposed of directing the respondent no.2/District Inspector of Schools, Prayagraj to decide the representation of the petitioner dated 29.11.2021 in accordance with law, within a period of two months from the date of production of certified/computerized copy of this order."

From perusal of the order of writ Court it is clear that a direction was issued to the opposite party to decide the representation dated 29.11.2021.

A compliance affidavit has been filed on behalf of State in the year 2022 wherein it has been stated that the order of writ Court has been complied and representation of the applicant has been decided on 09.09.2022, copy of which has been brought on record as annexure No. 1 to the compliance affidavit.

As the order of writ Court was only to the extent to decide the representation of the applicant which the authorities had done on 09.09.2022, no case for contempt is made out.

Contempt application stands dismissed.

Contempt notice stands discharged.

File consign to record.

Order Date :- 5.12.2023

Shekhar