

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 3104 of 2023

Applicant :- Paras Nath Yadav

Opposite Party :- Sudhir Garg, Principal Secretary And 2 Others

Counsel for Applicant :- Suryaprakash Sharma, Sheo Kinkar Singh

Hon'ble Rohit Ranjan Agarwal, J.

1. The writ Court on 19.12.2022 while disposing of Writ - A No. 20779 of 2022 passed the following order :

"Heard the counsel for the petitioner and the learned Standing Counsel.

The present petition has been file challenging the order dated 11.07.2022 whereby the petitioner has been denied the benefit of IInd Promotional Pay Scale solely on the ground that the petitioner had completed 24 years of service after 16.08.2003.

The counsel for the petitioner argues that the said issue has already been decided by this Court on various occasions. He places reliance on the judgment passed by this Court in the case of Dinesh Kumar Shukla vs. State of U.P. in Writ-A No.14428 of 2021 decided on 18.11.2021. It is argued that the order impugned is contrary to the law laid down by this court in the case of Dinesh Kumar Shukla (supra). It is also stated that the petitioner has submitted a representation against the said order denying the benefit which is pending consideration before the respondent no.2.

Considering the fact that the issue has already decided this Court, the present petition is disposed off giving liberty to the petitioner to file a fresh representation before the respondent no.2 who shall revisit the issue and to pass a fresh order considering the law laid down by this Court in the case of Dinesh Kumar Shukla (supra). The fresh order, as directed above, shall decide the rights of the petitioner and the present order dated 11.07.2022 shall abide to the fresh order passed that may be passed. The respondent no.2 shall passed the said order within a period of three months."

2. From perusal of the order passed by writ Court it is clear that liberty was granted to the applicant to file fresh representation before the opposite party, which was to be decided by the opposite party.

3. A compliance affidavit has been filed on behalf of opposite

party wherein, in para 4, it has been stated that representation of the applicant has been decided on 20.05.2023, a copy of which has been brought on record as Annexure CA 1 to the compliance affidavit.

4. In view of the said fact, 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**, leaving it open to the applicant to challenge the order passed by opposite party before the appropriate Forum, if so advised.

5. Contempt notice stands discharged.

Order Date :- 2.12.2023

Kushal