

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 3221 of 2023

Applicant :- Rampyari

Opposite Party :- Anamika Singh, Secretary Mahila Bal Vikas
Sewa Evam Pushtahar And 2 Others

Counsel for Applicant :- Sushil Kumar Srivastava, Vandana
Srivastava

Hon'ble Rohit Ranjan Agarwal, J.

The writ Court on 06.04.2022 in Writ-A No.1612 of 2022 had passed the following order:-

"Instructions passed on to the Court today, are kept on record.

Heard Mr. Sandeep Kumar Srivastava, learned counsel for the petitioner and the learned Standing Counsel for the State-respondents.

This writ petition has been filed interalia for the following relief:-

"i. to issue a writ, order or direction in the nature of mandamus directing the director (I.C.D.S.), (the respondent no.2) to pay the full salary and accordingly the pension, gratuity and encashment of the applicant/petitioner should be revised and the difference in between pay band of Rs. 5400/- and Rs. 6600/- and its arrears must be paid w.e.f. 01.12.2008 with interest of 14%.

ii. to issue any other suitable writ, order or direction as this Hon'ble Court may deem fit and proper in the circumstances of the present case."

On 23.03.2022, the following order was passed:-

"Learned Standing Counsel prays for and is granted ten days' time to obtain instructions in the matter.

Put up this case on 06.04.2022 as fresh."

Today, learned Standing Counsel, on the basis of instructions received by him, submits that pension and gratuity have been sanctioned on 08.06.2017 and the amount of Rs.6,76,000/- towards earned leave on 24.09.2017, Rs.77,476/- towards G.I.S. on 14.09.2017, Rs.12,45,327/- towards 90% G.P.F. on 27.11.2019 and Rs.5,11,023/- towards 10% G.P.F. on 26.02.2020 have been paid to the petitioner. Difference amount of payment and arrears have also been paid to him by means of cheque on 21.08.2019.

However, learned Standing Counsel submits that in case, any grievance is left, the petitioner may file a fresh representation before the respondent no.2,

who will take decision in accordance with law.

Considering the facts and circumstances of the case and without going into the merits of the case and with the consent of the parties, the writ petition is disposed of with a direction to the petitioner to file a fresh representation along with all the documents so advised as well as certified copy of this order before the respondent no.2, i.e. the Director, Bal Vikas Seva Evam Pushtahar, Government of U.P., Lucknow, raising all her grievances within a period of two weeks from today. In case any such representation is filed by the petitioner, the respondent no.2 shall consider and decide the same, in accordance with law, by reasoned and speaking order, preferably within a period of three months from the date of production of a certified copy of this order if there is no other legal impediment."

From the perusal of the aforesaid order, it is clear a mandamus was issued directing the opposite party to decide the representation, in case it was filed by the applicant within two weeks.

An affidavit of compliance has been filed on behalf of the opposite party, wherein in para 11, it has been stated that the representation of the applicant has been decided on 05.06.2023, copy of which has been brought on record as Annexure 5 to the affidavit of compliance.

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, present contempt application is rendered infructuous and the same stands dismissed.

However, it is open to the applicant to assail the order passed by the opposite party before appropriate forum, if so advised.

Order Date :- 30.10.2023

SK Goswami