

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 4483 of 2021

Applicant :- Gunraj

Opposite Party :- Mr. Yogendra Kumar Singh, Deputy Director
Of Education

Counsel for Applicant :- Gopal Ji Rai

Counsel for Opposite Party :- Abhishek Kumar Kushwaha

Hon'ble Rohit Ranjan Agarwal,J.

The writ Court on 09.11.2020 in Writ-A No.23292 of 2018 had passed the following order:-

"Heard learned counsel for the petitioner. Learned Standing Counsel has accepted notice on behalf of respondent nos.1 to 4.

Vide order dated 24.9.2020, learned Standing Counsel was granted time to file counter affidavit but till date no counter affidavit has been filed.

The petitioner has preferred the present writ petition inter-alia with the prayer to direct the respondent no.3 namely Deputy Director of Education (Secondary Education), Azamgarh Region, Azamgarh, to pay arrears of salary of the petitioner from September, 2004 to October 2008 after adding enhanced amount on the basis of 6th pay commission with interest w.e.f. 2.8.2012 when the respondent no.4 passed the order. Further prayer was made to direct the respondent no.3 to release gratuity and leave encashment of the petitioner with interest from 1.10.2008. Further prayer was made to direct the respondent no.3 to calculate final pension after taking into consideration report of 6th Pay Commission and to pay the difference of arrears of pension with interest to the petitioner.

Learned counsel for the petitioner also relied upon the order dated 3.8.2020 passed by the respondent no.4 namely District Inspector of Schools, Ballia, copy of which is appended as annexure 1 to the writ petition. It is argued by learned counsel for the petitioner that for the payment of enhancement amount of salary pursuant to 6th Pay Commission as well as for the gratuity and calculation of final pension the representations were made by the petitioner before the authority concerned from time to time but till date no decision has been taken.

Heard learned counsel for the parties.

With the consent of learned counsel for the parties, the writ petition is being disposed of at the admission stage itself.

In the facts and circumstances, the petitioner is permitted to make a fresh

representation ventilating all his grievances before the respondent no.3/Deputy Director of Education (Secondary Education), Azamgarh Region, Azamgarh, along-with self attested computer generated copy of this order downloaded from the official website of High Court Allahabad within a period of three weeks from today. If such a representation is made, the respondent no.3 is directed to pass appropriate order in accordance with law within a further period of four months.

With the aforesaid observations, present writ petition is disposed of finally.

It is made clear that this Court has not entered into the merits of the case and thus it is for authority concerned to take a decision independently in accordance with law."

From the perusal of the aforesaid order, it is clear that a direction was issued to the opposite party to decide the representation of the applicant.

An affidavit of compliance has been filed on behalf of the opposite party, wherein in para 3, it has been stated that the order of the writ Court has been complied with and the representation of the applicant has been decided on 20.10.2021, copy of which has been brought on record as Annexure 1 to the affidavit of compliance.

In view of the said fact as the order of the writ Court has been complied with, present contempt application is rendered infructuous and the same stands dismissed.

Order Date :- 18.10.2023

SK Goswami