

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 5699 of 2023

Applicant :- Rajnikant Shukla

Opposite Party :- Mr. Praveen Kumar Tiwwari, Presently Posted
And Another

Counsel for Applicant :- Vijay Kumar Ojha

Counsel for Opposite Party :- Kushmondeya Shahi

Hon'ble Rohit Ranjan Agarwal, J.

The writ Court on 19.01.2023 while disposing of Writ-A No. 21612 of 2022 passed the following order:-

"1. Heard Sri Prabhakar Awasthi, learned counsel for petitioner and learned Standing Counsel for respondents.

2. Grievance of petitioner is that he has not been paid subsistence allowance since he was put under suspension on 01.07.2021.

3. Learned Standing Counsel appearing for State-Respondents has no instruction in this regard.

4. Considering above sub mission and taking note of suspension order dated 01.07.2021 as well as communication dated 07.02.2022, this writ petition is disposed of that in case petitioner is entitled for subsistence allowance and there is no legal impediment, the same shall be paid to him expeditiously, preferably within a period of six weeks from today and a copy of decision may also be forwarded to petitioner."

From perusal of the order, it is clear that Court while disposing of writ petition had directed that in case petitioner is entitled for subsistence allowance and there is no legal impediment, the same shall be paid to him.

Today, a compliance affidavit has been filed wherein in para no. 9 and 10, it has been stated that order of writ Court has been complied with and subsistence allowance has been paid w.e.f. July, 2022. A copy of the order passed by opposite party on 30.08.2023 has been brought on record as Annexure-3.

Learned counsel for the opposite party states that serious charges are against the applicant and F.I.R. under Gangster Act has been lodged against him.

In view of said fact, after considering the application of the applicant, the order has been passed by opposite party granting subsistence allowance from July, 2022.

As the order of writ Court has been substantially complied with, the contempt application is rendered infructuous and the same stands dismissed.

Contempt notice stands discharged.

However, leaving it open to the applicant to assail the order dated 30.08.2023 passed by opposite party before the appropriate forum, if so advised.

Order Date :- 6.11.2023

V.S.Singh