

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 5389 of 2023

Applicant :- Smt. Asha Verma

Opposite Party :- Sri Prashant Kumar Sharma, I.A.S.

Counsel for Applicant :- Santosh Kumar Mishra

Hon'ble Rohit Ranjan Agarwal, J.

The writ court on 23-11-2022 while disposing of the Writ-A No. 18245 of 2022 passed the following order:-

"Heard Sri Santosh Kumar Mishra, learned counsel for the petitioner and Sri Vikram Bahadur Yadav, learned Standing Counsel appearing for the State-respondents.

This writ petition has been filed with the following prayers:-

"i. Issue a writ, order or direction in the nature of mandamus directing the respondent no.2, i.e. Director of Fisheries, U.P. Government, Lucknow to add 26 years of service of petitioner and add IIIrd ACP and promotional pay scale in accordance with law and then sanction pension, insurance and other retirement benefit within a very short time bound stipulated period.

ii. Issue a writ, order or direction in the nature of mandamus directing the respondent no.2, i.e. Director of Fisheries, U.P. Government, Lucknow to decide the petitioner application/representation dated 14.9.2022 in accordance with law within very short stipulated time bound period (Annexure no. 7A to this writ petition).

iii. Issue a writ order or direction in the nature of mandamus directing the respondent no.2, i.e. Director of Fisheries, U.P. government, Lucknow to pay the interest at the rate of 12% on entire retirement benefit."

It is the contention of learned counsel for the petitioner that the petitioner has retired from service on 31.10.2021, but she is yet to be paid her retiral dues after taking into account 26 years of her service and third ACP and promotional pay scale. Whereafter, the pension, insurance and other retiral benefits are required to be calculated. It is contended that several representations have been filed by the petitioner but to no avail and the last such representation dated 14.9.2022 was filed before the respondent no.2, Director, Fisheries, U.P. Government, Lucknow which has been enclosed at page 31 of the writ petition.

Learned Standing Counsel states that respondent no.2 shall take a decision in the matter.

Accordingly, the writ petition is disposed of directing the respondent no.2, Director (Fisheries), Government of U.P. Lucknow to take a decision on the aforesaid representation of the petitioner dated 14.9.2022, expeditiously and preferably within a period of eight weeks from the date of filing of an attested copy of this order alongwith a photocopy of the representation dated 14.9.2022."

From the perusal of the above order passed by the writ court it is clear that the direction was issued to the opposite party no.2 to decide the representation of the applicant.

Today a compliance affidavit has been filed by the State wherein paragraph no.6 it has been stated that the order of the writ court has been complied with and the representation has been decided on 12-10-2023, copy of which has been brought on record as annexure-1 to the compliance affidavit. Further, in paragraph 8 of the compliance affidavit a details of the payment made to the applicant has been disclosed.

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

Order Date :- 30.11.2023

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