

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 3249 of 2016

Applicant :- Dr. Rajesh Mohan Gupta

Opposite Party :- Dr. Anand Prakash Srivastava C.M.O. Sant Kabir Nagar

Counsel for Applicant :- Praveen Kumar Srivastava

Hon'ble Rohit Ranjan Agarwal,J.

Heard learned counsel for the applicant and Sri I.B.Singh, learned Standing Counsel for the State.

The writ Court while disposing of Writ -A No.69084 of 2015 on 23rd December, 2015 passed the following order :

"Dr. Rajesh Mohan Gupta is requesting before this Court to ask the Chief Medical Officer, Sant Kabir Nagar to look into the grievance that have been so raised on 21.10.2009 followed by various reminders.

Consequently, in the facts of the case, we proceed to ask the Chief Medical Officer, Sant Kabir Nagar to look into the grievance of the petitioner on the basis of record available preferably within next four months from the date of receipt of certified copy of this order.

The writ petition is disposed of."

From perusal of the order passed by Division Bench of this Court, it transpires that a direction was issued to the Chief Medical Officer, Sant Kabir Nagar to look into the grievance of the applicant and redress the same.

A compliance affidavit was filed on behalf of State on 02.09.2016 wherein, in para 9, it has been specifically mentioned that representation of the applicant was decided on 11.08.2016, a copy of which has been brought on record as Annexure 4 to the affidavit of compliance. The only direction given by the writ Court to the opposite party to look into the grievance of the applicant which the the authority has done and decided the representation on 11.08.2016.

It seems that the counsel for the applicant has dragged on the matter for next seven years and had not challenged the order, if he was so aggrieved by the order passed by the opposite party. This amounts to wrong legal advise given to his client.

Looking to the directions issued by the writ Court, this Court finds

that the grievance, which was raised by the applicant, has already been decided on 11.08.2016 by the opposite party but the matter has been kept alive by the counsel for the applicant by filing affidavits after affidavit.

No case for contempt is made out. Contempt application is misconceived.

Dismissed.

Contempt notice stands discharged.

Order Date :- 16.11.2023

Kushal