

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 1853 of 2017

Applicant :- Brijendra Singh Parmar

Opposite Party :- Smt. Jaya Chief Security Commissioner
R.P.S.F.And Anr.

Counsel for Applicant :- Satish Chandra Dwivedi, Anupam
Kumar

Counsel for Opposite Party :- S.C., Praveen Kumar
Srivastava, Satish Kumar Rai

Hon'ble Rohit Ranjan Agarwal, J.

Heard learned counsel for the applicant and Sri Anupam Kumar, learned counsel for the opposite party.

The writ Court on 19.09.2021 while deciding the Special Appeal No. 182 of 1998 had directed that the applicant to be reinstated in service. Thereafter, the said order was reviewed on the application moved on behalf of the applicant and on 02.09.2016 following order was passed;

"1. Heard learned counsel for parties.

2. This is a review of judgment dated 19.09.2012 passed by a Bench in which one of us (Hon'ble Ram Surat Ram (Maurya), J.) was a member, hence has been assigned to this Court for deciding appeal since another Member of Bench has been elevated further.

3. In the operative part of judgment, this Court has allowed special appeal and termination order passed by employer has been set aside and it is also said that applicant-appellant is reinstated in service. However, in last lines, Court has further held that since applicant-appellant was out of employment for a long time, he would not be entitled for back wages as well as other consequential benefits.

4. Sri Dwivedi, learned counsel for applicant, submits that in case even some consequential benefits are denied, the reinstatement order would not result in any effective relief to applicant-appellant and Courts' intention appears to be to deny back wages since applicant-appellant was out of employment for a long time and not to deny other consequential benefits.

5. We find substance in the submission and in our view there appears to be some indeliberate mistake, in construction of sentence. In view there of following sentences in the judgment dated 19.09.2012 shall stand deleted.

"However for the reasons that the appellant was out of employment for a long

time, he will not be entitled for back wages as well as other consequential benefits."

6. The aforesaid sentences shall stand substituted/modified by following sentences:-

"However for the reasons that the appellant was out of employment for a long time, he will not be entitled for back wages but shall be given all other consequential benefits i.e. the period he remained out of employment, shall count for the purpose of pay fixation, increments, seniority, pensionary benefits, etc."

7. Application is partly allowed, in the manner as above and judgment dated 19.09.2012 shall stand modified as stated above."

From perusal of the aforesaid order, it transpires that the earlier order was substituted/modified and the applicant was not only directed to be reinstated but further consequential benefits was to be accorded to him such as pay fixation, seniority, pensionary benefits, etc.

A second supplementary compliance affidavit has been filed by the opposite party wherein in paragraph nos. 4 and 7 it has been specifically mentioned and details have been provided in regard to the benefits that have been extended to the applicant pursuant to the direction of the appellate Court.

As the order of appellate Court has been complied by the opposite party, no case remains to be adjudicated by this Court.

Contempt application stands dismissed.

Contempt notice stands discharged.

File consign to record.

Order Date :- 8.11.2023

Shekhar