

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 5941 of 2023

Applicant :- Shiv Shekhar Singh

Opposite Party :- Shiv Sharanappa G.N., Nagar Ayukt Nagar Nigam

Counsel for Applicant :- Shivakant Singh, Ram Swaroop (Singh)

Counsel for Opposite Party :- Yashwant Singh

Hon'ble Rohit Ranjan Agarwal, J.

The writ Court on 09.11.2022 while disposing off the Writ-A No. 17938 of 2022 passed the following order;

"Heard learned counsel for the petitioner and Sri Yashwant Singh, learned counsel who appears for the respondent nos.2 and 3.

This petition has been filed with the following prayers:-

"(I) issue a writ order or direction in the nature of mandamus directing to the respondent no.2, to consider and decide the claim of the petitioner and to make payment of retiral dues and arrear after fixation of increment of 2nd and 3rd ACP (Assured Career Progression) within stipulate time.

"(II) issue a writ order or direction in the nature of mandamus directing to the respondent no.2, to consider and decide the representation dated 08.09.2022 with respect of payment of retiral dues and arrear after fixation of increment of 2nd and 3rd ACP (Assured Career Progression) within stipulate time."

It is the case of the petitioner that he was lastly posted as Pharmacist in the office of the respondent no.3. He retired on 30.06.2018. The pay fixation of the petitioner has wrongly been fixed as a result, his last pay drawn has also not been fixed properly. His retiral dues has also not been paid as are admissible. The petitioner has made a representation on 08.09.2022 to the respondent no.2 however, no heed has been paid to him. Hence this petition.

This petition is disposed of with a direction to the Respondent No. 2 to consider the representation of the petitioner dated 08.09.2022 and pass a reasoned and speaking order thereon within a period of eight weeks from the date a copy of this order is produced before him. In case any dues are found admissible to be paid to the petitioner, the same shall be paid to the petitioner along with admissible interest within a period of eight weeks from the date of passing of the order on the representation of the petitioner as per the relevant Rules/Government Orders."

Today a compliance affidavit on behalf of opposite party has been filed today which is taken on record. In paragraph no. 8 of the

compliance affidavit it has been stated that the order of writ Court has been complied by the opposite party and revised differences in the arrears of gratuity, pension and third ACP alongwith leave encashment has been paid and admissible interest on arrears amounting to Rs. 32573/- has also been given to the applicant, copy of which has been brought on record as annexure No. 2 to the compliance affidavit.

From perusal of the compliance affidavit and the copy of cheque annexed as annexure No. 2 it appears that order of writ Court has been complied by the opposite party and the dues which are admissible has been paid to the applicant alongwith interest.

As the order of writ Court has been complied by the opposite party, no case for contempt is made out.

Contempt application stands dismissed.

Contempt notice stands discharged.

File consign to record.

Order Date :- 18.10.2023

Shekhar