

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 6145 of 2023

Applicant :- Vijay Kumar

Opposite Party :- Anoop Kumar District Basic Shiksha Adhikari

Counsel for Applicant :- Rahul Sharma, Vijit Saxena

Hon'ble Rohit Ranjan Agarwal, J.

The writ Court on 10.01.2023 in Writ-A No.16137 of 2022 had passed the following order:-

"Heard learned counsel for the petitioner, Sri Nand Lal Maurya, learned counsel for the respondent Nos. 1 and 2 and Sri Awadhesh Kumar, learned counsel for the respondent No. 3.

The present petition has been filed seeking following relief:-

"a). Issue a writ, order or direction in the nature of mandamus commanding/directing to respondent No.2 to pass appropriate order on the representation of the petitioner dated 16.08.2022."

Learned counsel for the petitioner submits that petitioner was appointed under the provision of Dying in Harness Rules, on the post of Junior Clerk on 27.02.2006 and respondent No.4, namely, Akhtar Husain was also appointed on the post of Junior Clerk on 22.02.2002 and respondent No.4 was promoted on 29.06.2022 on the post of Senior Clerk ignoring the claim of petitioner.

Learned counsel for the respondent No.3 submits that two criminal cases were lodged against the petitioner, therefore, petitioner was not found suitable for promotion.

Learned counsel for the petitioner submits that in both the criminal cases, one case i.e. Case Crime No.1555 of 2014, under Section 7/13 (1) (D) read with Section 13 (2) P.C. Act, Police Station Khalilabad, District Shant Kabir Nagar, petitioner was acquitted by the learned trial Judge, vide judgement and order dated 29.08.2022 and another case i.e. Case Crime No.0273 of 2018, under Sections 419, 420, 467, 468 and 471 I.P.C., Police Station Bakhira, District Shant Kabir Nagar, final report has been submitted by the Investigating Officer on 04.01.2020, but all these facts were not considered. Therefore, a direction may be issued to the respondent No.3 to decide the representation of petitioner.

In view of the facts and circumstances of the case, the writ petition is disposed of with liberty to petitioner to move fresh comprehensive representation before respondent No.3 within one month from today. In case any such representation is filed, respondent No.3 is directed to decide the same by reasoned and speaking order within a period of two months from the date of

submission of certified copy of this order."

From the perusal of the aforesaid order, it is clear that a liberty was granted to the applicant to move a fresh representation ventilating his grievance, which was to be attended by the opposite party.

Today, Sri Ashok Kumar Singh, learned counsel appearing on behalf of opposite party has filed an affidavit of compliance filed, which is taken on record.

In para 5 of the affidavit of compliance, it has been stated that the representation of the applicant has been decided on 06.04.2023, copy of which has been brought on record as Annexure 1 to the affidavit of compliance.

In view of the said fact as the order of the writ Court has been complied with and the representation of the applicant has been decided, present contempt application is rendered infructuous and the same stands dismissed.

Order Date :- 30.10.2023

SK Goswami