

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 2738 of 2017

Applicant :- Ajit Kumar Tiwari

Opposite Party :- Nitin Tiwari S.S.P. Varanasi

Counsel for Applicant :- B.S. Pandey

Hon'ble Rohit Ranjan Agarwal,J.

The writ Court while disposing of Writ-A No. 52582 of 2016 on 05.11.2016 passed the following order:-

"The grievance raised by the petitioner in the present writ petition is that the period of service rendered by him in Army before joining the Civil Police has not been computed in awarding all the consequential service benefit. This action of the respondent is against the direction of this Court in writ petition no. 32139 of 2010 in Hansnath Dwivedi Vs. State of U.P. and others.

Under Regulation 410 of the Police Regulations, on their enlistment as constable in the U.P. Police, ex-soldiers of classes provided therein will be entitled to count their previously military service for the purpose of increment and grant of time-scale of pay on the post of constable.

It is also submitted in paragraph 22 of the writ petition by the Government order dated 2.12.2000 the selection grade and time scale on 8 years of service and 14 years of service in first promotional scale and 24 years of service for second promotional scale has been accorded to the petitioner.

Be that as it may, issue as to whether the ex-soldier who has been appointed on the post of constable is entitled for his pay fixation by the computation of period of service rendered in Army has been set at rest by the judgment of learned Single Judge Hansnath Dwivedi Vs State of U.P. and others decided on 21.10.2002. In another case of Hari Chand and others Vs. State of U.P. and others decided on 23.8.2016, this Court has held that the petitioner therein was entitled for grant of selection grade and all such benefits considering the impact of regulation 410 of the Police Regulations as also the Government order issued time to time.

The legal position in this regard has been set at rest. It is, therefore, required that the respondent no.4 shall take appropriate decision on the grievances raised by the petitioner keeping in view the direction of this Court in the case of Hansnath Dwivedi (supra) and Hari Chand (supra) noted above. An expeditious decision in accordance with law shall be taken within a period of one month from the date of production of certified copy of this order.

With the above observations and directions, the writ petition is disposed of"

Compliance affidavit has been filed by State wherein it has been

stated that grievance of the applicant has been redressed and an order has been passed on 21.12.2017. Copy of which has been brought on record as annexure-1 to compliance affidavit.

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

Contempt notice stands discharged.

Order Date :- 31.10.2023

V.S.Singh