

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 6263 of 2023

Applicant :- Pramod Kumar Singh

Opposite Party :- Sri Ravindra Kumar, Executive Officer, Nagar Palika Parisad And 3 Others

Counsel for Applicant :- Rahul Jain, Mohd. Akaram

Hon'ble Rohit Ranjan Agarwal, J.

The writ Court on 01.02.2023 while disposing of Writ-A No. 1561 of 2023 passed the following order:-

"Heard learned counsel for the petitioner, learned standing counsel for respondent No. 1 and Sri Atul Kumar Tiwari, learned counsel for respondent Nos. 2 & 3.

Present petition has been filed seeking following relief:-

"i). Issue a writ, order or direction in the nature of mandamus commanding and directing to respondents to consider the claim of promotion of petitioner on the vacant post of Assistant Clerk and to promote him as Assistant Clerk in Nagar Palika Parishad Farrukhabad from the date juniors to him were promoted and to pay him salary for the said period.

ii). Issue a writ, order or direction in the nature of mandamus commanding and directing to respondents to decide the pending representations of petitioner, expeditiously."

Learned counsel for the petitioner submitted that for redressal of his grievance, petitioner has filed representation dated 28.12.2022 before respondent No. 3, but till date no decision has been taken. Lastly, it is submitted that a direction may be issued to respondent No. 3 to decide the aforesaid representation within a stipulated time.

Sri Atul Kumar Tiwari, learned counsel for respondent Nos. 2 & 3 submitted that now the term of Chairman of Nagal Palika Parishad is over and a Three Member Committee is appointed, which is not having the power for grant of promotion.

In view of the facts and circumstances of the case, the writ petition is disposed of directing respondent No. 3 to place the representation of petitioner dated 28.12.2022 before the Three Member Committee (hereinafter referred to as 'Committee') and Committee is directed to decide the same within two months. In case Committee is not competent to pass order, the said Committee shall make a note in writing upon the representation about its non-competence and thereafter it shall be placed before the Chairman immediate after completion of election for the said post. Chairman is directed to decide

the issue within next two months immediate after receiving the representation along with note of Committee.

It is made clear that in case of consideration of promotion of any other employees, the same shall be considered only along with case of petitioner and no separate promotion order shall be passed for the said post excluding the case of petitioner for consideration."

From perusal of the order, it is clear that a direction was issued to opposite party to decide the representation filed by the applicant.

Today, compliance affidavit on behalf of State as well as opposite party nos. 1 and 2 have been filed which are taken on record.

Learned Standing Counsel states that representation has been decided on 06.07.2023. Copy of which has been brought on record as Annexure-3 to compliance affidavit filed by opposite party no. 3.

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

Contempt notice stands discharged.

However, leaving it open to the applicant to assail the order passed by opposite party before the appropriate forum, if so advised.

Order Date :- 6.11.2023

V.S.Singh