

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 5260 of 2018

Applicant :- Lal Bachan And 14 Others

Opposite Party :- Sanjay Agarwal And Another

Counsel for Applicant :- Sunil Kumar Singh

Counsel for Opposite Party :- C.S.C.,Gopal Ji Rai

Hon'ble Rohit Ranjan Agarwal,J.

The writ Court on 01.02.2018 in Writ-A No. 3892 of 2018 passed the following order:-

"Pursuant to an order passed in the case of Dhruv Narain Singh v. State of U.P. and others, Writ-A No. 26307 of 2010, the salary of the teachers in district Ballia was stopped for five years. The said writ petition was finally disposed of on 13th January, 2017 by issuing the following directions:

"12. Accordingly, this batch of the writ petitions is disposed of with the following direction:

(i) In case any teacher/institution is aggrieved by the order passed by the Committee, it would be open to him/it to take such recourse which is available under the law to them.

(ii) The salary to all the teachers, who have been found to be working on the sanctioned post shall be released within two months from the date of production of certified copy of this order."

The grievance of the petitioners is that their arrears of salary have not been paid in spite of the fact that it has been found that they have been working against the sanctioned posts and their appointment has also been found to be valid.

It is submitted that withholding the salary for last five years is arbitrary and even after the direction of this Court dated 13th January, 2017 the arrears of salary has not been paid.

Heard learned counsel for the petitioners and learned Standing Counsel for the State functionaries.

The experience reveals that a large number of writ petitions have been/are filed in this Court for the similar relief.

In my view, the ends of justice require that a direction be issued to the first respondent i.e. Principal Secretary (Secondary Education), Government of U.P., Lucknow to consider the matter and pass the appropriate order by issuing a direction to allocate necessary fund for the payment of arrears of

salary of those teachers of district Ballia whose appointment has been found to be valid against the sanctioned posts and their salary has already been stopped for the last five years in compliance with the order of this Court. The State Government has completed the exercise to find out the sanctioned strength of teaching and non-teaching staff in each college and has passed the necessary orders. In those cases where it has been found that posts have been duly sanctioned and the teachers are working against the said posts and no illegality has been found in their appointment, there is no reason to withhold the arrears of salary. The salary of teachers is their only source of livelihood and it is their fundamental right under Article 21 of the Constitution to get their salary while they have been admittedly working for last several years uninterruptedly. In view of the said facts, necessary order be passed by the Principal Secretary (Secondary Education), Govt. of U.P., Lucknow for allocation of fund and necessary directions be also issued within two months from the date of communication of this order.

With the aforesaid observations and directions, the writ petition is disposed of. No order as to costs."

Compliance affidavit has been filed by the State alleging compliance of the order of writ Court. Learned Standing Counsel states that in para no. 10 of compliance affidavit, it has been stated that after completion of formalities the actual payment has been made to the applicant on 28.02.2023.

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