

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 6366 of 2023

Applicant :- Poonam Chauhan

Opposite Party :- Dr. Mahendar Dev, Director Of Education

Counsel for Applicant :- Dinesh Prasad

Hon'ble Rohit Ranjan Agarwal, J.

The writ Court on 12.10.2022 while disposing off Writ-A No. 16207 of 2022 passed the following order;

"1. Petitioner claims entitlement to selection pay scale against length of continuous service claimed from 01.07.1998 till date. In that regard, it has been submitted, there is no break in service. The petitioner worked in ad hoc capacity from 01.07.1998 to 24.09.2001 and joined regular service from 25.09.2001.

2. In absence of any defect in the ad hoc service, the petitioner is entitled to continuity of service. The observation made to the contrary by the DIOS, Moradabad, in his communication made to the Director of Secondary Education dated 24.05.2014 is stated to be perverse. In any case the matter is still pending with the Director.

3. On the other hand, learned Standing Counsel has stated, the petitioner is not entitled to continuity of service.

4. In any case, no final decision has yet been made by the Director of (Secondary) Education and the matter has remained pending at his end.

5. Accordingly, no useful purpose would be served in keeping the present petition pending or calling for a counter affidavit, at this stage. Present writ petition is disposed of with a direction, in case the petitioner files a fresh representation before respondent no.2 within a period of two weeks from today supported by is personal affidavit, disclosing necessary facts and annexing thereto all relevant documents as may establish the claim of continuous service and regular appointment/legality of ad hoc appointment claimed by him, that representation may be decided on its own merit, as expeditiously as possible, preferably within a period of three months from the date of compliance shown by the petitioner."

From perusal of the order of writ Court it is clear that a direction was issued to the opposite party that in case fresh representation is to be filed by the applicant the same was decided by the opposite party.

A compliance affidavit has been filed by the State wherein it has

been stated that the order of writ Court has been complied by the opposite party and representation of the applicant has been decided on 11.10.2023, copy of which has been brought on record as annexure No. 1 to the compliance affidavit.

As the order of writ Court has been complied by the opposite party, contempt application stands dismissed.

Contempt notice stands discharged.

File consign to record.

Order Date :- 30.10.2023

Shekhar