

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 6901 of 2023

Applicant :- Santosh Kumar Srivastava And 2 Others

Opposite Party :- Smt. Leena Jauhari, Principal Secretary

Counsel for Applicant :- Raghwendra Prasad Mishra, Avneesh Tripathi

Hon'ble Rohit Ranjan Agarwal, J.

1. The writ Court on 03.01.2023 while disposing of Writ -A No.20950 of 2022 passed the following order :

"Heard learned counsel for the petitioners, learned Standing counsel for the State-respondents and perused the record.

The petitioner before this Court for the following reliefs:-

"i) Issue a writ, order or direction in the nature of mandamus directing the respondents to pay the pension, gratuity and other post retrial dues along with arrears by counting the service rendered by them on ad-hoc basis i.e. 05.06.1999 to 15.03.2005.

ii) Issue a writ, order or direction in the nature of mandamus directing the respondent no.1 to take the appropriate decisions in the representation submitted by the petitioners (Annexure-5), within stipulated time."

Learned counsel for the petitioners submitted that for redressal of their grievance, they have filed a representation dated 04.05.2022 before the respondent No.1, but till date same has not been decided. He next submitted that a suitable direction may be issued to respondent No.1 to decide the representation of the petitioner within stipulated period.

Learned Standing counsel for the State-respondents has no objection to the aforesaid prayer made by the petitioner.

Considering the facts and circumstances of the case, the present petition is disposed of with the direction to respondent no.1, to consider and decide the representation of the petitioners dated 04.05.2022 within a period of eight weeks from the date of production of certified copy of this order. In case, any amount is found due, petitioner is entitled for interest at the rate of 8% from due date to the date of actual payment. Further, in case, if there is any legal impediment, respondent no.1 shall pass reasoned order to that effect within the same time.

It is made clear that Court has not adjudicated the case on merits and it is upon the respondent no. 1 to decide the representation of the petitioner after considering the relevant Acts, Rules, Government Orders, Judicial pronouncement made by the Court as well as facts of the case"

2. From perusal of the order passed by writ Court it is clear that a direction was issued to decide representation of the applicant dated 04.05.2022.

3. Today instructions have come from the State side, which are taken on record.

4. According to learned Standing Counsel, the representation of the applicant has been decided vide order dated 20.11.2023.

5. In view of the said fact, as the order of the writ Court has been complied with and the representation has been decided, the contempt application has rendered infructuous and stands **dismissed**, leaving it open to the applicant to challenge the order passed by the opposite party before the appropriate forum, if so advised.

6. Contempt notice stands discharged.

Order Date :- 21.11.2023

Kushal