

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 6620 of 2023

Applicant :- Dharmendra Singh

Opposite Party :- Sri Pratap Singh Baghel Secretary U.P. Basic Shiksha Parishad

Counsel for Applicant :- Anoop Kumar Pandey

Hon'ble Rohit Ranjan Agarwal,J.

The writ Court on 18.10.2022 while disposing of Writ-A No. 16930 of 2022 passed the following order:-

"Shri Anoop Kumar Pandey & Shri Radhey Krishna Pandey, learned counsel for the petitioner, learned Standing Counsel for the State-respondents and Shri Harsh Vardhan Gupta, learned counsel for respondent Nos. 2 to 5.

The petitioner is aggrieved by non release of his salary for the period he is stated to have been detained in prison from 1.8.2014 to 31.8.2014 and non grant of selection grade from 24.9.2019 on the post of Assistant Teacher, Primary School Mahila, Vikas Khand, District Kaushambi.

It is contended on behalf of the petitioner that petitioner was falsely implicated in Case Crime No 122 of 2014, under Sections 302/149, 201/149 IPC, Police Station Mahewa Ghat, Kaushambi. He was placed under suspension. He was released on bail on 21.8.2014 pursuant to the order passed by this Court in Criminal Misc. Bail Application No. 26468 of 2014. On his release on bail, the petitioner was reinstated in service by revocation of his suspension. Subsequently, the petitioner is stated to have been acquitted in the aforesaid criminal case on 30.6.2016. On his acquittal, the petitioner preferred an application to the District Basic Education Officer, Kaushambi for being paid his salary for the period under detention from 1.8.2014 to 31.8.2014 on the ground that the respondents under similar circumstances had released the payment of salary for the period of detention in respect of one Sanjay Kumar Sharma. The representation of the petitioner is stated to have been forwarded by District Basic Education Officer, Kaushambi to Secretary, Basic Education Board, Prayagraj. However, no order has been passed on the said representation.

He further submits that purpose of filing this writ petition would be served if directions are issued to the respondent No. 2 to pass appropriate orders on the pending representation of the petitioner.

Learned counsel appearing for the respondents submit that they have no objection to the aforesaid proposition.

Considering the submissions advanced, this Court is of the opinion that no useful purpose would be served by keeping the writ petition pending and the

same is accordingly, disposed of expecting the respondent No. 2-Secretary, U.P. Basic Shiksha Parishad, Prayagraj, seized with the representation of the petitioner dated 15.1.2021, to pass appropriate orders thereon, after considering all aspects of the matter including the fact that similar relief has been extended to one Sanjay Kumar Sharma, strictly in accordance with law, preferably within a period of two months from the date of serving certified copy of this order.

Needless to say that this Court has not expressed any opinion on the merits of the case and it shall be open for the respondent No. 2 to pass appropriate orders"

From perusal of the order, it is clear that only direction was issued to opposite party to decide the representation.

Today, a compliance affidavit has been filed wherein it has been stated that order of writ Court has been complied with and representation has been decided on 13.09.2023. 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 :- 8.11.2023

V.S.Singh