

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 6853 of 2023

Applicant :- Prabhunath Tiwari

Opposite Party :- B.L. Meena, Commissioner And Another

Counsel for Applicant :- Shashi Shekhar Mishra, Arvind Kumar Upadhyay

Hon'ble Rohit Ranjan Agarwal, J.

The writ Court on 14.07.2022 while allowing Writ-A No.4840 of 2019 had passed the following order:-

"Heard learned counsel for the petitioner and learned standing counsel for the respondents.

Learned counsel for the petitioner submitted that earlier time was granted twice to file counter affidavit, but till date, no counter affidavit has been filed. He next submitted that during pendency of writ petition, vide order dated 09.08.2019, petitioner was granted pension as prayed by him in writ petition and payment was also started on month to month basis except arrears. Thereafter, from February, 2022, pension is again stopped due to pendency of this writ petition. He next submitted that case of the petitioner is squarely covered with the judgments of Lucknow Bench of this Court passed in the matters of Brij Bihar Shukla Vs. State of U.P. Thru. Prin. Secy. Cooperative, Lucknow & others in Service Single No. 26516 of 2018 dated 25.03.2019 and Karuna Shankar Shukla Vs. State of U.P. Thru. Prin. Secy. (Cooperative) & others in Service Single No. 36453 of 2018 dated 25.03.2019, which were also referred in first order of this Court dated 01.04.2019. He next submitted that under such facts of the case, this petition may also be allowed on the same terms and conditions and a direction may be issued to pay arrears of salary alongwith interest as directed by Lucknow Bench of this Court vide orders dated 25.03.2019. Further, a direction may also be issued to pay him pension on month to month basis.

Order dated 09.08.2019 passed by respondent no. 4, is taken on record.

Learned standing counsel fairly conceded and submitted that case of the petitioner is squarely covered with the judgments of Lucknow Bench of this Court passed in the matters of Brij Bihar Shukla (supra) and Karuna Shankar Shukla (supra).

Under such facts and circumstances, this petition is allowed on the same terms and conditions as mentioned in orders dated 25.03.2019 passed in the matters of Brij Bihar Shukla (supra) and Karuna Shankar Shukla (supra) with direction to respondents to pay entire arrears of pension alongwith interest at the rate of 9% per annum within a period of three months from the date of

production of certified copy of this order and further pay him pension on month to month basis."

From the perusal of the aforesaid order, it is clear that a direction was issued to the respondent to pay entire arrears of pension along with interest at the rate of 9% per annum.

Today, an affidavit of compliance has been filed on behalf of the opposite party, wherein in para 5, it is specifically stated that the arrears of pension from February 2018 to October 2023, amounting to Rs.19,98,724.00/- along with interest at the rate of 9% per annum amounting to Rs.95,371.00/- has been paid to the applicant.

In view of the said fact as the order of the writ Court has been complied with and the entire arrears along with interest at the rate of 9% per annum has been paid to the applicant, present contempt application is rendered infructuous and the same stands dismissed.

Order Date :- 16.11.2023

SK Goswami