

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 6178 of 2021

Applicant :- Narendra And 2 Others

Opposite Party :- Sri Suhash L.Y, D.M. And Another

Counsel for Applicant :- Javed Husain Khan, Gulrez Khan

Hon'ble Rohit Ranjan Agarwal, J.

1. Supplementary affidavit, filed today, is taken on record.

2. The writ Court on 08.09.2021 while quashing the order passed by opposite party dated 28.08.2017 remanded the matter for deciding the claim of the applicants for regularization afresh. It seems that the matter was not taken up by the authority for considering the claim of regularization of the applicants, which led to the filing of contempt application.

3. As in the earlier round the matter was sent back to the opposite party for revisiting the order was not decided by the opposite party in view of the directions of the writ Court, on 05.05.2023 following order was passed by this Court:

"Perused the affidavit filed on behalf of District Magistrate, Gautam Buddh Nagar.

This Court had required the opposite party by order dated 21.11.2022 to revisit the order passed on 07.01.2022.

Through the affidavit, an order passed on 21.01.2023 has been brought on record as Annexure-2 to affidavit of compliance. From perusal of the said order, it transpires that the opposite party on the basis of some Government Order dated 06.01.2023 has proceeded to decide the claim of the applicant.

This Court finds that opposite party is in contempt of the order of the writ Court as the writ Court had specifically stated in its order that earlier Government Order dated 29.08.2001 was superseded by Government Order dated 21.06.2002. Once the Government Order of 2001 was not in existence, the claim of the applicant could not be rejected on the basis of Government Order dated 29.08.2001.

The authorities while revisiting the order had not even discussed the said point and had taken a new ground and relied upon the Government Order dated 06.01.2023 and rejected the claim of the applicant. This Court finds that opposite party is in totally contempt of the order passed by writ Court.

As a last opportunity, the present incumbent, opposite party no. 1 is granted three weeks' time to comply the order of writ Court and earlier order passed

by this Court.

List this matter in the first week of July, 2023."

4. Pursuant to the said order, an affidavit on behalf of opposite party was filed on 5th July, 2023 wherein in para 7, it has been stated that complying the orders of this Court the matter has been revisited by the authorities and the claim has been decided on 30.06.2023, which has been brought on record as Annexure 1 to the compliance affidavit.

5. Learned counsel for the applicants submitted that the applicants have been reinstated as Seasonal Collection Amin and their claim for regularization has not been decided.

6. This Court, after considering the order passed by opposite party on 30.06.2023 and the reply submitted by the applicants, comes to the conclusion that the decision has been taken by the opposite party and the matter has been revisited and the applicants have been reinstated as Seasonal Collection Amin.

7. In view of the said fact, no case for contempt is made out. Contempt application is **dismissed**, however, leaving it open to the applicants to approach the appropriate Forum, if any of their grievance is unattended.

Order Date :- 28.11.2023

Kushal