

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 5892 of 2018

Applicant :- Dilip Narayan Singh And 6 Others

Opposite Party :- Sahi Ram Rana

Counsel for Applicant :- Lallan Verma, Shamsheer Bahadur Maurya

Counsel for Opposite Party :- G.D. Mishra

Hon'ble Rohit Ranjan Agarwal, J.

1. Pankaj, Pradhan Prabandhak, Dugdh Utpadak Sahkari Sangh Ltd, Dalpatpur, Moradabad, is present in the Court, who has been identified by Sri G.D. Mishra, learned counsel for the opposite party.
2. An affidavit along with exemption application has been filed today, which is taken on record.
3. The writ Court while disposing of Writ - A No.48507 of 2016 on 10.4.2018 passed the following order :

"Heard Shri Lallan Verma, learned counsel for the petitioners, who are 7 in number, learned standing counsel for the respondent no. 1 and Shri G.D. Mishra, learned counsel for the respondents no. 2 to 5.

The petitioners in the writ petition are seeking quashing of the order dated 7.9.2016 and are also claiming the pay scale of 8000-275-13500 in place of 5500-175-9000.

Shri G.D. Mishra, learned counsel for the respondents informs that the claim of the petitioners has not been rejected but it has been forwarded to the Managing Committee, Moradabad Dugdh Utpadan Sehkari Sangh Ltd. Moradabad and the matter is still pending there. It is also evident from the order under challenge that the claim of the petitioners has not been rejected and it is stated that the expert panel has also recommended the claim of the petitioners for grant of pay scale of 8000-275-13500 and, therefore, the claim of the petitioners has been referred to the Managing Committee, Moradabad Dugdh Utpadan Sehkari Sangh Ltd. Moradabad and the meeting of the Managing Committee was fixed for 28.3.2018 but no meeting was held on that date.

No useful purpose would be served in keeping this writ petition pending.

This writ petition is therefore disposed of with a direction to the respondent no. 2- Pradhan Prabandhak, Dugdha Utpadak Sehkari Sangh Limited (D.U.S.S. Ltd.) Dalpatpur, Moradabad to take a decision in the matter with regard to the claim of the petitioners in the light of the recommendation of the expert panel dated 4.1.2018 in accordance with law within a period of three months from the date of receipt of the certified copy of this order.

It is made clear that the court has not adjudicated the claim of the petitioner on

merit."

4. From perusal of the order passed by the writ Court it transpires that the direction was issued to the opposite party to take a decision in the matter with regard to the claim of the applicants in the light of the recommendation of the expert panel dated 04.01.2018.

5. Earlier, a compliance affidavit was filed on 24.01.2019 wherein, in para 6, it was stated that in the meeting of the Expert Panel it was decided to provide promotional pay scale to the applicants in pay scale of Rs.8000-13500 in place of Rs.5500-9000. The matter was considered by the Milk Commissioner and on 12.11.2018, the Milk Commissioner has granted approval to the recommendation dated 04.01.2018 and the benefit of personal promotional pay scale was given from November, 2018. Thereafter in para 11 it has been stated that consequential orders were issued by the opposite party on 05.12.2018 for making payment of salary in the pay scale of Rs.8000-13500 for giving benefit of promotional pay fixation w.e.f. 01.11.2018. It is further averred that the said amount has been paid to the applicants. In para 12, it has been stated that the order of the writ Court dated 10.04.2018 has been complied with and the applicants are getting promotional pay scale of Rs.8000-13,500 w.e.f. 01.11.2018.

6. As the order of the writ Court was only to the extent directing the opposite party to take decision in the matter with regard to the claim of the applicants in the light of the recommendation of the expert panel dated 4.1.2018, which has been accepted and granted approval by the Milk Commissioner and consequential order has been issued and benefit has been extended to the applicants w.e.f. 01.11.2018, nothing survives in the present contempt application.

7. The contempt application is misconceived and stands dismissed.

8. Contempt notice stands discharged.

Order Date :- 29.11.2023

Kushal