

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 7332 of 2023

Applicant :- Manoj Kumar Srivastava

Opposite Party :- Sri Shailesh Kumar Thakur, Executive Engineer

Counsel for Applicant :- Bikash Kumar Mishra

Hon'ble Rohit Ranjan Agarwal,J.

The writ Court on 14.07.2022 while disposing of Writ-A No. 7109 of 2022 passed the following order:-

"1. Learned Standing Counsel on the basis of instructions says that charge-sheet was served upon the petitioner on 09.05.2022.

2. Learned counsel for the petitioner says that the enquiry officer has not found anything against the petitioner and submitted a report in his favour on 26.06.2022.

3. In view of the submissions made before this Court, this Court is of the considered opinion that continued suspension of the petitioner would be detrimental to public interest. Suspension of an employee is resorted to facilitate fair enquiry into charges against a delinquent employee.

4. In this case, the enquiry has been completed and the enquiry report has been submitted to the Disciplinary Authority. It is no longer feasible or possible for the petitioner to influence in any manner the enquiry being held against him.

5. The suspension order is therefore quashed.

6. It is also the case of the petitioner that he has not been given single penny as subsistence allowance.

7. The Disciplinary Authority is directed to pass appropriate final orders after giving show-cause notice to the petitioner and opportunity of hearing, as expeditiously as possible.

8. In case the attendance of the petitioner is duly verified under relevant Fundamental Rule, by the office in which he was attached during suspension, his subsistence allowance as is admissible to him shall also be released by the Disciplinary Authority at the time of passing of the final order in the case of the petitioner.

9. This petition is accordingly disposed of."

From perusal of order passed by writ Court, it is clear that a direction was issued to disciplinary authority to pass appropriate final order.

A compliance affidavit has been today filed by State which is taken on record.

In para no. 6 and 7, it has been stated that disciplinary authority on 16.08.2022 had revoked the suspension of the applicant. Further, in para no. 12, it has been stated that the disciplinary proceedings against the applicant is being taken up by disciplinary authority of PMGSY, Public Works Department, Division, Sonbhadra and it will be completed at their level. Thus, no inquiry is pending at the level of the opposite party.

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 :- 29.11.2023

V.S.Singh