

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 7000 of 2022

Applicant :- Umesh Prasad

Opposite Party :- Ashish Kumar Singh, District Basic Education Officer

Counsel for Applicant :- Ram Sumer Chaudhary

Hon'ble Rohit Ranjan Agarwal,J.

The writ Court on 05.04.2022 while disposing of Writ-A No.2967 of 2022 had passed the following order:-

"Heard learned counsel for the petitioner and the learned Standing Counsel representing respondent nos. 1 to 4.

The grievance of the petitioner is that he is not being paid salary since 13.07.2017 till date. It is submitted that the petitioner was appointed as the Assistant Teacher. Selection and appointment was approved vide order dated 30.04.2016 passed by the District Basic Education Officer, Maharajganj.

Feeling aggrieved, owing to non-payment of salary, as mentioned above, the petitioner had moved a representation before the Assistant Director of Education (Basic) (respondent no. 2), who has made communication dated 11.11.2020 (Annexure No. 9) to the District Basic Education Officer, Maharajganj (respondent no. 3) to do the needful in the matter of the petitioner.

In compliance of the aforesaid letter dated 11.11.2020, the respondent no. 3 has issued a direction dated 10.03.2021 (Annexure No. 10) to the Finance and Account Officer Basic Education (respondent no. 4) for disbursement of the salary to the petitioner in accordance with law. It is submitted that since order dated 10.03.2021 the petitioner is running from pillar to post but he has not been granted salary in pursuance of that order.

Learned Standing Counsel contended that direction may be issued to respondent no. 3 for taking an appropriate decision on the fresh representation to be moved by the present petitioner in this regard.

In this conspectus as above, no useful purpose would be served to keep this matter pending, therefore, this court deems it appropriate to finally dispose of the present writ petition, without considering the merits of the case as mentioned in the present writ petition, with liberty to the petitioner to file a fresh representation before the District Basic Education Officer (respondent no. 3) with respect to his grievance, as mentioned in the present writ petition, within a period of two weeks from today along with a certified copy of this order and self attested copy of the present petition, who shall consider and

decide the same by a reasoned and speaking order expeditiously, preferably within a period of two months thereafter.

With the aforesaid observation, present writ petition is disposed of."

Today, when the case was taken up, learned Standing Counsel has placed before the Court the decision taken by the opposite party on the representation of the applicant on 08.11.2023.

As the order of the writ Court was only to the extent to decide the representation of the applicant, which the authority has decided, present contempt application is rendered infructuous and the same stands dismissed.

However, it is open to the applicant to assail the order passed by the opposite party before the appropriate forum, if so advised.

Order Date :- 9.11.2023

SK Goswami