

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 7683 of 2023

Applicant :- Jai Singh And 5 Others

Opposite Party :- B.L. Meena, Ps Co-Operative Societies

Counsel for Applicant :- Ram Sheel Sharma

Hon'ble Rohit Ranjan Agarwal,J.

The writ Court on 19.04.2023 in Writ-A No.6833 of 2023 had passed the following order:-

"Heard learned counsel for the parties.

Services of the petitioner have been regularized under the provisions of U.P. Collections of Funds and Amins and other Staff Rules, 2002. Learned counsel for the petitioner submits that though claim of petitioner has been considered under the Rules of 2002, but the past services rendered by him has been ignored. The petitioner claimed that he is entitled for the benefit which has been granted in the case of Chandra Prakash Pandey and Others Vs. State of U.P. and Others, decided on 25th November, 2008, vide following orders:-

"In the result, the writ petition is allowed. The respondents are directed to consider the entitlement of the petitioners for appropriate pay scales with all other benefits with effect from 1.1.1986 and 1.1.1996 and onwards treating their appointment on the post of Kurk Amin in the pay scale of 354-550 and Sahyogi to Kurk Amin in the pay scale of 305- 390 with effect from 30.6.1984 and 8.6.1999 respectively as is evident from Annexure-1 and 2 to the writ petition and to pass an appropriate order determining benefits in respect to appropriate pay scale, arrears of salary etc. to which the petitioners are entitled and, thereafter pay the same to the petitioners within a period of three months from the date of production of certified copy of this order before the competent authority. The order impugned in the writ petition shall not be construed to have any worth in considering the matter as directed above."

A special appeal filed against such judgment was dismissed with further directions issued. The State of U.P. preferred Civil Appeal No. 312 of 2017, which has been decided by the Apex Court on 10th January, 2017. The order passed in special appeal has been modified to the extent the Division Bench had granted relief beyond the relief granted by learned Single Judge. The directions issued by the learned Single Judge, however, have been sustained. It is asserted on behalf of the petitioners that such benefits are also liable to be extended to the petitioner.

Considering the nature of order proposed to be passed, no time is being allowed to the learned Standing Counsel to file counter affidavit and the writ petition is being disposed of, at this stage itself.

Considering the above, writ petition stands disposed of, with a direction upon respondent No.1 to examine the grievance of the petitioner and to extend benefits as have been found due and payable to other persons similarly placed, in light of the observations made by this Court on 25th November, 2008, in Writ Petition No. 7326 (S/S) of 2004, as well as in light of the observations made by the Hon'ble Apex Court in Civil Appeal No. 312 of 2017.

The required consideration shall be made within a period of three months from the date of presentation of certified copy of this order. The benefit to which petitioner is held entitled to in terms of the aforesaid order, shall be released, within a further period of two months thereafter."

From the perusal of the aforesaid order, it is clear that the opposite party was directed to look into the grievance of the applicant.

Pursuant to the order of the writ Court, opposite party, on 22.09.2023, has decided the representation of the applicant. Copy of the instructions received by learned Standing Counsel has been placed before the Court, which are taken on record.

In view of the said fact as the order of the writ Court dated 19.04.2023 has been complied with and the decision has been taken on 22.09.2023, present contempt application is misconceived and the same stands dismissed.

Order Date :- 18.10.2023
SK Goswami