

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 7725 of 2023

Applicant :- Basant Lal

Opposite Party :- Princi Maurya, District Basic Education Officer

Counsel for Applicant :- Ram Sumer Chaudhary, Imrana

Ilyas, Manju Lata Verma

Hon'ble Rohit Ranjan Agarwal, J.

The writ Court on 04.04.2023 in Writ-A No. 14606 of 2009 passed the following order;

"Heard Shri Lal Chandra Mishra, learned counsel for the petitioner and learned Additional Chief Standing Counsel for the State respondents.

It is the case of the petitioner that he was rendering his services on the post of Assistant Teacher at Primary School Revna and he was transferred on 26.09.2007 and further relieved on 22.02.2008 due to some reasons best known to the respondents. It has been alleged by the petitioner that in pursuance to the transfer order he was never relieved from Primary School Revna to Primary School Tera, Kshetra Kamasin, District Banda.

For seeking direction in the nature of mandamus the petitioner preferred Writ Petition No. 34471 of 2008 and in pursuance to the order passed by this Court the petitioner relieved on 14.08.2008, but the salary for the period wherein the petitioner was ready to render his services, but he was not relieved and as such, he could not join over the transferred place of posting, but later on in compliance to the transfer order dated 26.09.2007 the petitioner joined for the respective place of posting and after attaining the age of superannuation way back in the year 2019 the petitioner retired from service on having spotless career throughout the tenure.

A very short controversy with regard to the payment for the period w.e.f. 26.07.2007 to 22.08.2008 has not been paid to the petitioner, in pursuance to the directions passed by this Court. Petitioner joined at Primary School Tera, District-Banda, but all the doors were closed for disbursement of the salary for the said period in favour of the petitioner. The petitioner represented before the

competent authorities for his payment of salary w.e.f. 26.07.2007 to 22.08.2008 but all were in vain and feeling aggrieved with the action of the respondents the petitioner preferred the instant petition.

Per contra, learned Standing Counsel vehemently opposed the prayer as made in the petition and for substantiating his argument took shelter of the counter affidavit wherein it has been mentioned that the petitioner was duly relieved from the Primary School Rewa on 06.10.2007 to join for the respective place of posting on 22.08.2008 under the capacity of Assistant Teacher and as such there is inordinate delay as well as the same can be termed as absence from duty since 06.10.2007 to 22.08.2008 and as such there is hardly any cause of action arising in favour of the petitioner to claim the salary for the period when he absented himself from the place of posting as directed vide transfer order dated 26.09.2007.

Considering facts and circumstances along with pleadings advanced while filing the earlier Writ Petition No. 34471 of 2008 that at no point of time the petitioner would ever permitted by the respondent no. 3 direct the petitioner for joining over the post of Assistant Teacher Primary School Tera, District-Banda.

The writ petition stands disposed of with the direction to the respondent no. 2 to proceed for extending the salary of the petitioner for the period 26.07.2007 to 22.08.2008. The entire exercise in shape of disbursement of the salary and retiral dues along with pension as is admissible in favour of the petitioner shall be carried out as expeditiously as possible preferably within a period of four months from the date of production of certified copy of this order.

The above mentioned direction has been issued on the basis of the pleadings advanced by the rival parties in the instant writ petition.

If there is no legal impediment available, the same has to be carried out within the time frame as stipulated by this Court."

Today a compliance affidavit has been filed which is taken on record. In paragraph no. 7 it has been stated that the order of writ Court has been complied by the opposite party and the from salary 26.07.2007 to 22.08.2008 amounting to Rs. 154592/- has been paid to the applicant and in paragraph no. 8 it has been stated that the benefits of 7th Pay Commission has been extended to the applicant on 11.12.2023.

As the order of writ Court has been complied by the opposite party, contempt application stands dismissed.

Contempt notice stands discharged.

File consign to record.

Order Date :- 13.12.2023

Shekhar