

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 7856 of 2023

Applicant :- Mohd. Aslam

Opposite Party :- Dr. Brijesh, Executive Officer

Counsel for Applicant :- Syed Shahnawaz Shah, Farida Jamal

Hon'ble Rohit Ranjan Agarwal, J.

The writ Court on 20.03.2023 while disposing of Writ-C No. 31816 of 2012 passed the following order:-

"The present petition has been filed praying for a mandamus commanding the Executive Officer, Nagar Panchayat, Navgawan Sadat, District J.P. Nagar to pay Rs.7,46,783/- for the work done by the petitioner in the financial year 2007-08.

The case of the petitioner is that he was awarded a contract of Rs.21 Lakh and odd to do certain work and a sum of Rs.14 Lakh has already been disbursed to the petitioner but Rs.7,46,783/- has not been paid to the petitioner for political reasons.

It has been stated in the counter affidavit that the contract was awarded to the petitioner under political pressure and without following due process of law inasmuch as the advertisement inviting tenders was not published in two daily newspapers having wide circulation in the locality. It has also been stated in the counter affidavit that the spot inspection reports, submitted by the Junior Engineer and other officers, indicate that the work done by the petitioner is not up to the required standard and, therefore, the balance amount cannot be disbursed without holding proper enquiry in the matter.

The claim of the petitioner appears to be disputed and, therefore, it is not a case for interference under Article 226 of the Constitution of India. However, the Executive Officer, Nagar Panchayat, Navgawan Sadat, District J.P. Nagar, is directed to complete the enquiry regarding the claim of the petitioner and standard of work done by him within six months from today and shall take appropriate action in accordance with law, depending on the results of the enquiry.

In case, the enquiry report is against the petitioner and the petitioner disputes the results of the enquiry, he shall have the remedy to institute appropriate proceedings before the civil court.

With the aforesaid directions, the petition is disposed of."

From perusal of the order, it is clear that writ Court had declined to interfere in the matter.

As the writ Court had declined to entertain the writ petition, no case for contempt is made out.

The contempt application is misconceived and is hereby dismissed.

Order Date :- 28.10.2023

V.S.Singh