

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 8030 of 2023

Applicant :- Surendra Prasad

Opposite Party :- Sri Shivpujan Singh, Finance Controller

Counsel for Applicant :- Vinay Kumar Srivastava, Mahendra Prasad

Hon'ble Rohit Ranjan Agarwal, J.

The writ Court on 25.11.2022 in Writ-A No.15754 of 2022 had passed the following order:-

"Heard learned counsel for the petitioner and learned Standing Counsel.

The present petition has been filed with the following prayers:

"I. issue a writ, order or direction in the nature of mandamus directing the Respondents to pay 18% interest on the delayed payment of gratuity of Rs.82,38,78/- and Rashikaran of Rs.4,48,376/- (Total Rs.12,72,254/-) from the date of his retirement till the date of the actual payment."

Learned counsel for the petitioner submits that the petitioner has made a representation for the redressal of her grievance, however, the same has not been considered. He, therefore, prays that the authority concerned may be directed to consider the case of the petitioner.

Considering the fact that the application of the petitioner is pending consideration before the respondent no.2 and without entering into the merits of the case, the present petition is disposed off giving liberty to the petitioner to move a fresh application before the respondent no.2 along with a copy of this order, which shall be decided in accordance with law with all expeditious preferably within a period of three months from the date of presentation of representation along with certified copy of this order."

From the perusal of the aforesaid order, it is clear that the writ Court had given the liberty to the applicant to move a fresh application and in case the same was moved, the application was to be decided by the opposite party.

Pursuant to the direction of the writ Court, the application moved by the applicant was decided on 29.12.2022, copy of which has been brought on record as Annexure 3 to the contempt application.

In view of the said fact as the order of the writ Court was only to the extent to decide the application, which the authority has done, present contempt application is rendered infructuous and the same stands dismissed.

Order Date :- 3.11.2023 // SK Goswami