

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 8327 of 2023

Applicant :- Sukhram

Opposite Party :- Dr. Pradeep Varshney, Chief Medical Officer

Counsel for Applicant :- Vishwa Pratap Singh

Hon'ble Rohit Ranjan Agarwal,J.

The writ Court on 25.03.2021 while disposing of Writ-A No. 4843 of 2021 passed the following order:-

"Heard learned counsel for the petitioner and Sri Saurabh Sinha, learned Standing Counsel for the State respondent.

Petitioner is before this Court with a request commanding the respondent no. 3 i.e. Chief Medical Officer Budaun to pay the benefit of ACP along with arrear and 18% interest w.e.f. 15.4.2017 after completing the 26 years of service by the petitioner.

Learned Standing Counsel very fairly that in case an appropriate application/representation is moved by the petitioner before the competent authority, the same will be considered and decided expeditiously.

In view of the above, on consent and without expressing any opinion on the merits of the issue and considering the facts and circumstances of the case, this writ petition is disposed of finally asking the petitioner to move a fresh representation before the third respondent ventilating his grievance within two weeks from today and in case any such representation is being preferred definitely the same would be looked into, examined and remedied within six weeks thereafter."

From perusal of the order, it is clear that writ Court had given leverage to the applicant to move a fresh application before the authorities which was to be decided. Thereafter, the applicant filed another writ petition being Writ-A No. 10146 of 2021 which was consigned to record by order dated 07.10.2021 on the ground that second writ petition for the same grievance could not be maintainable before this Court.

Learned counsel for the applicant has invited attention of the Court to letter written by Director General, Medical & Health Service, U.P. apprising the Chief Medical Officer, Badaun regarding the payment of interest which has been annexed as annexure-4 to

affidavit filed in support of contempt application.

This Court finds that order of writ Court is only to the extent to decide the representation and according to learned counsel for the applicant, the order of writ Court has been partially complied with, no case for contempt is made out.

The contempt application is misconceived and stands dismissed.

Order Date :- 17.11.2023

V.S.Singh