

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 8335 of 2023

Applicant :- Pannalal Sharma

Opposite Party :- Sri Aswani Kumar Singh And 2 Others

Counsel for Applicant :- Jagmohan Singh

Hon'ble Rohit Ranjan Agarwal,J.

The applicant before this Court had filed Writ -A No. 61453 of 2010 challenging the punishment order passed by opposite party. The writ petition was allowed on 27.04.2023. It seems that petitioner thereafter retired from services and again preferred Writ-A No. 14040 of 2023 for payment of his retiral dues. The said writ petition was disposed of on 24.08.2023 and following order was passed:-

"Heard learned counsel for the petitioner and learned Additional Chief Standing Counsel appearing for the State-respondents.

With the consent of learned counsel appearing for the contesting parties, the instant writ petition is being finally decided.

Instant writ petition has been filed praying for a mandamus commanding the respondents to pay all post retiral benefits leave encashment, gratuity etc and regular pension to the petitioner.

Learned counsel for the petitioner submits that with regard to the relief sought in the writ petition, the petitioner may be permitted to submit a representation before the respondent No.4 which may be directed to be decided within a fixed time frame to which learned Additional Chief Standing Counsel has no objection.

In view of the above, it is provided that in case the petitioner submits a representation within two weeks from today before the respondent No.4 then the respondent No.4 shall endeavour to decide the same by means of a reasoned and speaking order within a further period of four weeks from the date of receipt of a certified copy of this order along with representation.

With the aforesaid direction, writ petition is disposed of.

It is made clear that this Court has not gone into the merits of the case"

From perusal of the order, it is clear that writ Court had directed that in case the applicant submits a representation, the same was to be decided by opposite party. Pursuant to direction of writ Court,

the opposite party on 25.09.2023 decided the representation of the applicant and rejected the same. Copy of which has been brought on record as Annexure-1 to contempt application.

In view of said fact, as the order of writ Court was only to the extent that representation was to be decided by opposite party which the opposite party has decided on 25.09.2023, no case for contempt is made out.

The contempt application is misconceived and stands dismissed.

However, leaving it open to the applicant to assail the order passed by opposite party on 25.09.2023 before appropriate forum, if so advised.

Order Date :- 17.11.2023

V.S.Singh