

**Court No. - 4**

**Case :-** CONTEMPT APPLICATION (CIVIL) No. - 87 of 2023

**Applicant :-** Raj Kumar

**Opposite Party :-** Mr. Pradeep Kumar Mishra, Registrar State Consumer Dispute Redressal Commission U.P Lucknow

**Counsel for Applicant :-** Manju Sharma

**Hon'ble Rajesh Singh Chauhan,J.**

1. Heard Ms. Manju Sharma, learned counsel for the petitioner and Sri Amarendra Pratap Singh, learned Additional Chief Standing Counsel for the opposite party/ contemnor.

2. Sri Amarendra Pratap Singh, learned Additional Chief Standing Counsel has drawn attention of this Court towards an order dated 29.08.2022 passed in Writ-A No.5388 of 2022. The order dated 29.08.2022 reads as under:-

*"Heard learned counsel for the petitioner as well as learned Standing Counsel appearing on behalf of opposite parties.*

*By means of present writ petition the petitioner has challenged the order dated 24.5.2022, passed by the Chairman, District Consumer Forum, Barabanki whereby transferring the petitioner from Barabanki to Moradabad.*

*Learned counsel for the petitioner submits that the petitioner is a Class - IV employee and according to the transfer guidelines issued by the State of U.P. he cannot be transferred outside his district.*

*After arguing at some length learned counsel for the petitioner at this stage confining his prayer submits that the grievance of the petitioner shall be substantially redressed in case direction is given to opposite party no.3 to consider and decided the representation of the petitioner dated 06.7.2022 contained in Annexure - 2 to the writ petition expeditiously.*

*Learned Standing Counsel on the other hand does not object to the aforesaid prayer made by the learned counsel for the petitioner.*

*In view of the aforesaid submissions advanced by the learned counsel for the parties, the present petition is disposed of with the direction to opposite party no.3 to consider and decide the representation of the petitioner dated 06.7.2022 contained in Annexure ? 2 to the writ petition expeditiously, say within a period of two weeks in accordance with law from the date a certified copy of this order is produced before him and communicate its decision to the petitioner."*

3. Sri Singh has drawn attention of this Court towards the affidavit of compliance filed on 10.08.2023 wherein the

deponent is Sri Pradeep Kumar Mishra, presently posted as Registrar, State Consumer Disputes Redressal Commission, U.P., Lucknow. In paras-6 & 7 of the affidavit of compliance, it has been categorically indicated that in compliance of order of the Writ Court the decision has been taken as per law vide order dated 12.09.2022. The copy of order dated 12.09.2022 and the Government Order dated 16.08.2022 have been annexed as Annexure No.A-1 with the affidavit of compliance. It has further been indicated that on the fresh representation of the petitioner dated 19.10.2022 the petitioner has been transferred from District Commission, Moradabad to District Commission, Hardoi vide office order dated 14.06.2023. The copy of the aforesaid order dated 14.06.2023 has also been annexed as Annexure No.A-2 with the affidavit of compliance.

4. Therefore, Sri Singh has stated that the order of the Writ Court has been complied with in its letter and spirit.

5. Learned counsel for the petitioner has not disputed the aforesaid fact. However, she has stated that the petitioner is aggrieved from the aforesaid transfer, therefore, the petitioner may be given sometime to assail the aforesaid transfer order before appropriate court of law. She has also stated that in place of attachment of the petitioner, he should have been posted on a particular post/ office.

6. Be that as it may, since in compliance of order of the Writ Court the consequential orders have been passed by the Competent Authority, therefore, there is no purpose to keep this contempt petition pending any longer.

7. Accordingly, the instant contempt petition is ***dismissed***. Notice, if any, stands discharged.

8. However, it is always open to the petitioner to assail the order, if he is aggrieved, at the same time. It is also open for the authority to pass any order posting the petitioner at any place instead of attaching him at a place where he has been attached.

**[Rajesh Singh Chauhan,J.]**

**Order Date :- 17.10.2023**  
Suresh/