

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 2032 of 2020

Applicant :- Surya Narayan Mishra

Opposite Party :- Vinay Chand Pandey Director Secondary Edu.Prayagraj And Anr.

Counsel for Applicant :- Mayank Pandey

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Sri Mayank Pandey, learned counsel for the petitioner and Sri Ram Swaroop, learned Standing Counsel.

2. Sri Ram Swaroop has stated that the Writ Court has directed to consider and decide the representation of the petitioner strictly in accordance with law. He has further stated that though the Writ Court has not entered into merits of the issue but in compliance of the order of Writ Court, the Director, Secondary Education, U.P. has passed a detailed order on 14.01.2021 (Annexure No.CA-1) to the affidavit of compliance filed on 19.01.2021.

3. Perusal thereof reveals that the petitioner has been paid the entire dues except the salary dues occurred from 04.03.1993 to 16.12.2005 which should be paid to the petitioner w.e.f. 04.03.1993 to 16.12.2005. The aforesaid dues have been denied for the reason that the petitioner has not served in the institution for that period, therefore, the said authority would not be responsible to make the aforesaid payment, however the said payment should be made to the petitioner through the own sources by the Committee of Management.

4. Notably, w.e.f. 04.03.1995 to 16.12.2005, the petitioner was under suspension, therefore, any appropriate decision should be taken for that period by the Competent Authority, inasmuch as that period may not be left unnoticed.

5. Since the issue in question has not been adjudicated by the Writ Court by entering into merits of the issue, particularly, the aspect to the effect that the petitioner was kept under suspension from 04.03.1993 to 16.12.2005 but no decision is said to have been taken, therefore, to get the aforesaid issue adjudicated, the petitioner should approach the Competent Court of law, inasmuch as the Contempt Court in the present case may not adjudicate the said issue. While approaching the Competent Court of law, the petitioner may also raise his other grievances, if any, which are still unredressed. Accordingly, the contempt petition is **dismissed**. Notices, if any, are discharged.

[Rajesh Singh Chauhan,J.]

Order Date :- 20.12.2023

kkv/