

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 1452 of 2023

Applicant :- Meena Srivastava

Opposite Party :- Mr. Anil Dhingra, (Ias) M.D., Head Office-U.P. Jal Nigam, Lko. And 4 Others

Counsel for Applicant :- Ajay Pandey

Hon'ble Rajesh Singh Chauhan,J.

1. This Court has passed order dated 16.10.2023 which reads as under :

"1. Heard.

2. This Court has passed order on 19.09.2023, which reads as under:-

"1. Heard.

2. This Court has passed the order dated 18.05.2023 which reads as under:

"Heard.

Issue notice to respondents no. 2 and 3 to show cause as to why the proceedings for contempt of the Court be not initiated against them for non-compliance of the judgment and order dated 01.02.2023 passed in Writ A No. 132 of 2023.

List on the date indicated in the notice as fresh.

The authorities while serving notice on the respondents-contemnor shall strictly adhere to the directions issued by this Court vide order dated 07.06.2021 in Contempt No. 670 of 2021."

3. Sri Rishabh Kapoor, learned counsel for the opposite parties has stated that partial compliance of the order of the Writ Court has been done, inasmuch as the petitioner has been paid the amount of gratuity. However, the payment of interest has not been paid. He has stated that the opposite parties have filed the Special Appeal before this Court which has been dismissed. Thereafter, Special Leave Petition has been filed before the Apex Court, wherein the diary number has been allotted.

4. Be that as it may, the law is tried that mere filing of any Special Leave Petition before the Apex Court may not protect the concerning authority if the order of the Writ Court has not been complied with in it's letter and spirit. Admittedly, the order of Writ Court has not been complied with in it's letter and spirit till date and no interim order of any kind whatsoever has been granted in favour of the opposite parties.

5. Therefore, list this case on 16th of October, 2023.

6. On or before 16th of October, 2023, the opposite parties may either file any interim order being granted in pending Special Leave Petition, if any, or the affidavit of compliance making compliance of the order of Writ Court in it's letter and spirit. Failing which, the opposite parties nos. 2 and 3 shall appear in person on the next date.

7. It is made clear that if the order of the Writ Court has not been complied with in it's letter and spirit, the further steps may be taken against the opposite parties as per Contempt of Court's Act."

3. In compliance of aforesaid order, Shri Arun Kumar, presently serving as Chief Engineer (E-2), U.P. Jal Nigam (Urban), Lucknow is present in person. He has filed application for deferment through his counsel, Shri Rishabh Kapoor, the same is taken on record. Shri Kapoor has stated that the order of the writ-Court has been complied with partly, as a matter of fact, principal amount has been paid and only interest amount has not been paid. He has further stated that the opposite parties has filed S.L.P. before the Apex Court which may likely to be taken up before the Apex Court within fifteen days. He has further stated that on account of 'dussehra festival' the S.L.P. may be taken up after dussehra vacation.

4. Let the matter,therefore, be listed on 29.11.2023.

5. On or before 29.11.2023, the officer, who is present in person, shall file affidavit of compliance, making compliance of the order of writ-Court in its letter and spirit, failing which he shall again appear in person on the next date."

2. Sri Rishabh Kapoor, learned counsel for the opposite party has filed affidavit of compliance and it has been submitted that the order of writ court has been complied with in its letter and spirit.

3. Learned counsel for the petitioner has no objection to the affidavit of compliance.

4. Accordingly, the contempt petition is **dismissed**.

5. Notices discharged.

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[Rajesh Singh Chauhan, J.]

Order Date :- 29.11.2023

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