

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 1203 of 2017

Applicant :- Dr. Smt. Pratibha Nigam

Opposite Party :- Sri R.K. Tewari Ias Prin. Secy. And Another
Labour Room N

Counsel for Applicant :- Yogesh Chandra Srivastava

Hon'ble Rajesh Singh Chauhan,J.

1. Heard.

2. This Court has passed the order dated 06.11.2023, which reads as under:-

"1. Heard Sri Y.C. Srivastava, learned counsel for the petitioner and Sri Mohit Jauhari, learned Standing Counsel for the State.

2. Sri Srivastava has filed application for taking rejoinder affidavit on record, same is taken on record.

3. Sri Srivastava has submitted that despite the order of the writ court having been finalized up to the Apex Court and also despite the fact that the order of the writ court has been complied with in its letter and spirit, the same has been withdrawn vide order dated 22.1.2021 passed by the then Additional Chief Secretary, Department of Labor as aforesaid order has been enclosed with the application for impleadment dated 14.9.2021.

4. Sri Mohit Jauhari tried to explain and justify the order dated 22.1.2021 (supra) by referring the judgment and order dated 22.7.2014 (Annexure SCA-1 of the short counter affidavit) dated 16.8.2023 as the benefit of the aforesaid judgment has been given to the present petitioner but the submissions, so placed by Sri Jauhari have not, prima-facie, convinced the Court.

5. Since the current authority has not been impleaded in the present petition, therefore, the impleadment application which has been filed is being decided.

I.A. No. 6 of 2023

1. Heard.

2. Application for impleadment is allowed.

3. Let the necessary impleadment be carried out during the course of the day.

4. Issue notice to the newly impleaded opposite party returnable at an early date.

5. Steps within three working days.

6. Office to proceed accordingly.

7. List on 7.12.2023 within top ten cases.

8. *It is made clear that if on the next date this Court finds that the order of the writ court has not been complied with without any plausible reasons, then order for personal appearance of current / newly impleaded opposite party may be issued."*

3. In compliance of the aforesaid order, Sri Mohit Jauhari, learned Standing Counsel has filed affidavit of compliance, the same is taken on record.

4. Attention has been drawn towards Annexure No.A-1 of the affidavit of compliance, which is an office memo dated 06.12.2023 issued by the Special Secretary of the Labour Department, Government of U.P., Lucknow whereby compliance of the order of the writ court has been done subject to the final outcome of pending special appeals and writ petitions in the identical matters. By means of Annexure No.A-2 of the affidavit of compliance, the aforesaid order has been forwarded by the Director, Labour Department to the Director, Pension Directorate, U.P., Lucknow and other concerning officers.

5. Learned counsel for the petitioner has stated that though the aforesaid order has been passed but the actual benefit in terms of the office memo dated 06.12.2023 has not been received to the petitioner.

6. Be that as it may, since the aforesaid office memo has been issued on 06.12.2023, therefore, it is expected that the benefit of aforesaid office memo shall be provided to the petitioner in true sense so that the order of the writ court be complied with in its letter and spirit.

7. In the wake of aforesaid development, nothing remains to be adjudicated in the present contempt petition.

8. Accordingly, the present contempt petition is **dismissed**.

9. Notices are discharged.

10. However, it is expected that actual benefit of the office memo dated 06.12.2023 be provided to the petitioner with expedition, preferably within a period of one month so that the dues could be credited in the account of the petitioner in terms of the order of the writ court as well as the office memo dated 06.12.2023, failing which liberty is given to the petitioner to

file an application for revival of the present contempt petition and if the present contempt petition is revived and it is found that actual benefit has not been given to the petitioner, any coercive order under the Contempt of Courts Act may be passed.

[Rajesh Singh Chauhan,J.]

Order Date :- 7.12.2023
RBS/-