

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 1514 of 2022

Applicant :- Dr. Om Prakash Gupta

Opposite Party :- Sri Prashant Trivedi, Presently Posted As Addl. Chief Secy. Finance Deptt. Lko.

Counsel for Applicant :- Avinash Tiwari

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Mr. Avinash Tiwari, learned counsel for the applicant-petitioner, as well as Mr. Mohit Jauhari, learned Standing Counsel, appearing for opposite party no. 2.
2. Mr. Mohit Jauhari has filed affidavit of compliance duly sworn in deponent Mr Deepak Kumar, Additional Chief Secretary, Finance Department, U.P., Lucknow, the same is taken on record.
3. Mr. Avinash Tiwari has filed an application for framing of charges, the same is also taken on record.
4. Mr. Avinash Tiwari, learned counsel for the applicant-petitioner, has drawn attention of this Court towards the order of the writ-Court dated 06.05.2022 passed in two writ petitions bearing Writ-A No.8366 of 2017 (Dr. Om Prakash Gupta and another Vs. State of U.P. and others) and Writ-A No.32882 of 2019 (Dr. Satyapal Singh Vs. State of U.P. and others).
5. The aforesaid writ petitions were allowed, issuing a direction to the State Government to the effect that Special ACP Scheme (SACP), implemented vide Government Order dated 14th November, 2014 shall be applicable to the Medical Officers of other streams.
6. Mr. Avinash Tiwari has stated that in compliance of the aforesaid order of the writ-Court the authority concerned should have filed an order, making compliance in respect of all the Medical Officers, similar to the petitioners. However, by means of an order dated 10.10.2023 passed by the Additional Chief Secretary, Finance Department, U.P., Lucknow the benefit has been provide to the applicant-petitioner, who has filed the present contempt petition, only.
7. On that, Mr. Mohit Jauhari has submitted that both the

aforesaid writ petitions were filed by various Doctors in their individual capacity and, not by the Association. He has further stated that the present contempt petition has been filed by Dr. Om Prakash Gupta solely, therefore, the order, which has been annexed with the affidavit of compliance, is an order passed in favour of the present applicant-petitioner, namely, Dr. Om Prakash Gupta.

8. Be that as it may, since in the contempt petition of the present applicant-petitioner the order of the writ-Court has been complied with in its letter and spirit, the present contempt petition may be dismissed.

9. Accordingly, the contempt petition is hereby **dismissed**.

10. However, perusal of order of the writ-Court dated 06.05.2022 reveals that the direction has been issued in rem, more particularly, in favour of all identical Doctors. Therefore, it cannot be presumed that the appropriate orders would have not been passed in favour of the identically placed Doctors, when the issue has attained finality up-to the level of Supreme Court. There are so-many Doctors, except the present applicant-petitioner, who may file their contempt petition(s). So far as point of limitation is concerned, the same may be considered in light of Office Memo dated 10.10.2023 whereby the benefit has been provided to the applicant-petitioner of the present contempt petition.

[Rajesh Singh Chauhan,J.]

Order Date :- 12.10.2023
MVS/-