

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 1909 of 2023

Applicant :- Amarnath Pandey

Opposite Party :- Smt. Monika S. Garg, Addl. Chief Secy. / Prin. Secy. Minority Welfare And Waqf, Govt. Of U.P., Lko.

Counsel for Applicant :- Pt. S. Chandra

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Pt. S. Chandra, learned counsel for the petitioner and Sri Sunil Bajpai, learned Additional Chief Standing Counsel.

2. Sri Sunil Bajpai, learned Additional Chief Standing Counsel has filed affidavit of compliance, today in the Court, the same is taken on record. The deponent of the aforesaid affidavit of compliance is Smt. Monika S. Garg, Additional Chief Secretary, Minority Welfare & Waqf Department, Government of U.P., Lucknow.

3. Attention has been drawn towards Annexure No.1 of the affidavit of compliance whereby in compliance of order of the Writ Court the office memo dated 16.11.2023 has been issued whereby the petitioner has been reinstated in service cancelling the punishment order dated 20.07.2022 subject to final outcome of the Special Appeal No.210 (D) of 2023; State of U.P. vs. Amar Nath Pandey. In the aforesaid office memo, it has been indicated that in respect of posting of the petitioner the separate order would be passed.

4. On that, Pt. S. Chandra, learned counsel for the petitioner, on the basis of instructions, has stated that till date no separate order has been passed posting the petitioner anywhere and the petitioner has not been paid his consequential service benefits in terms of order of the Writ Court and also in terms of office memo dated 16.11.2023 (supra).

5. Be that as it may, since the Competent Authority has issued office memo dated 16.11.2023 cancelling the punishment order dated 20.07.2022 reinstating the petitioner on the post in question, therefore, there is no purpose to keep this contempt petition pending any longer.

6. Accordingly, the instant contempt petition is ***dismissed***.

7. Notice, if any, stands discharged.

8. However, it is made clear that if in compliance of order of the Writ Court as well as in compliance or order of the Appellate Court as well as in terms of office memo dated 16.11.2023, if the petitioner is not posted anywhere and he is not paid the consequential service benefits including the regular salary with expedition preferably within a period of three weeks, to be more precise on or before 16.12.2023, he may file application for seeking revival of the present contempt petition and if such application is filed and it is found that despite the order of the Writ Court as well as of the Appellate Court no appropriate order has been passed even in terms of office memo dated 16.11.2023, the contempt petition may be revived and in that case any coercive order under the provisions of Contempt of Courts Act may be passed against the authority concerned.

[Rajesh Singh Chauhan,J.]

Order Date :- 20.11.2023

Suresh/