

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 2001 of 2023

Applicant :- Maqbool Ahmad

Opposite Party :- Durga Prasad Mishra Chief Secy. U.P. Shasan And 2 Others

Counsel for Applicant :- Shyam Mohan Pradhan

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Sri Shyam Mohan Pradhan, learned counsel for the petitioner and Sri Sunil Bajpai, learned Additional Chief Standing Counsel.

2. Sri Sunil Bajpai has filed today two affidavits of compliance on behalf of opposite parties nos. 2 and 3, the same are taken on record.

3. Sri Bajpai has stated that the order of Writ Court has been complied with in its letter and spirit. Attention has been drawn of this Court towards the office order dated 27th of October, 2023 passed by Special Secretary, Department of Minority Welfare and Waqf Department absorbing the services of the petitioner in the department and the petitioner would be entitled for all the post-retiral dues. The order dated 27th of October, 2023, Annexure CA-2 is passed by Director Minority Welfare, Uttar Pradesh addressing to the District Minority Welfare Officer, Prayagraj indicating therein that since the petitioner has been absorbed in services in terms of the order of Writ Court, therefore, he be paid his all retiral dues with expedition and information to this effect be provided to the directorate since in terms of the order of the Writ Court, the services of the petitioner have been absorbed and appropriate orders have been passed for making payment of his all post-retiral dues treating him as employee of the department, therefore, the contempt petition may be dismissed.

4. However, Sri Shyam Mohan Pradhan, learned counsel for the petitioner has stated that in compliance of the order dated 27th of October, 2023, passed by the Director, Minority Welfare, Uttar Pradesh, the amount of post-retiral dues has not been credited in the account of the petitioner.

5. Be that as it may, when in compliance of the order of the Writ Court, order of absorption has been passed and further order has been passed making payment of post-retiral dues of the petitioner by the Secretary of the Department and consequential order has been passed by the Director of the Department on

27th of October, 2023, therefore, it is expected that the petitioner shall be paid his post-retiral dues etc. in terms of the order of Writ Court with expedition, preferably, within a period of one month, to be more precise on/before 8th of December, 2023, failing which, the liberty is given to the petitioner to file an application for seeking revival of the present contempt petition and if such application is filed and it is found that despite specific order having been passed by the competent authority, the petitioner has not been paid his all post-retiral dues, the appropriate order may be passed under the Contempt of Courts Act.

6. In view of the above, the instant contempt petition is ***dismissed***.

7. Notices, if any, are discharged.

[Rajesh Singh Chauhan,J.]

Order Date :- 2.11.2023

kkv/