

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 1828 of 2022

Applicant :- Surendra Nath

Opposite Party :- Dr. Satya Narayan Singh, Director, Ayurvedic Services, U.P., Lko. And Others

Counsel for Applicant :- Pradeep Kumar Shukla

Hon'ble Rajesh Singh Chauhan,J.

1. Heard learned counsel for the petitioner and Sri Sunil Bajpai, learned Additional Chief Standing Counsel.
2. Sri Sunil Bajpai has filed the affidavit of compliance, the same is taken on record.
3. This Court has passed the order dated 08.11.2023 which reads as under:

"1. Heard Sri Pradeep Kumar Shukla, learned counsel for the petitioner and Sri Ram Swaroop, learned Standing Counsel.

2. Learned Standing Counsel has stated that he has received complete instructions in the matter, therefore, he may be given four weeks' time to file affidavit of compliance.

3. The time prayed for is granted.

4. List this case on 12.12.2023.

5. On or before 12.12.2023, the authority concerned shall file affidavit of compliance making compliance of order of the Writ Court in its letter and spirit, failing which, the opposite party No.4 i.e. Dr. Prakash Chandra Saxena, Director, Ayurvedic Services, U.P., Lucknow shall appear in person before the Court on the next date.

6. It is made clear that if the order of the Writ Court is not complied with without having any plausible and reasonable explanation, the charges may be framed against the opposite party No.4 on the next date."

4. Sri Sunil Bajpai has drawn attention of this Court towards Para nos. 7 and 8 of the aforesaid affidavit of compliance, wherein the specific and clear recital to this effect has been given that the order of Writ Court has been complied with in its letter and spirit.

5. However, learned counsel for the petitioner, on the basis of instruction, has stated that the amount, so indicated in Para nos. 7 and 8 to the affidavit of compliance, has not been created in the account of the petitioner and the proper re-fixation of the salary has not been done in terms of the order of Writ Court.

6. So far as appropriate fixation of the salary is concerned, Sri

Sunil Bajpai has stated that the exercise has been undertaken and so far as the second submission of learned counsel for the petitioner that the amount has not been credited in the account of the petitioner, Sri Sunil Bajpai has stated that if the amount has not been created, the same shall be credited with expedition.

7. Be that as it may, since in compliance of the order of Writ Court, the appropriate order has been passed by the opposite parties, as indicated in the affidavit of compliance, filed today, there is no purpose to keep this contempt petition pending any longer.

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

9. Notices, if any, stand discharged.

10. However, it is expected that the amount in question be credited in the account of the petitioner with expedition, preferably, within a period of 21 days from today, failing which, the liberty is given to the petitioner to file an application for revival of the present contempt petition and if such application is filed and it is found that the order of Writ Court has not been complied with in its letter and spirit, the contempt petition may be revived and in that case appropriate order under the Contempt of Courts Act may be passed.

[Rajesh Singh Chauhan,J.]

Order Date :- 12.12.2023

kkv/