

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 1832 of 2021

Applicant :- Thakur Prasad

Opposite Party :- Manoj Kumar Singh Addl.Chief
Scey./Prin.Secy.Lko. And Anr.

Counsel for Applicant :- Pramendra Kumar Singh

Hon'ble Rajan Roy,J.

(C.M. Application No. 1 of 2022)

Heard.

On 24.11.2021 the contempt proceedings were dropped in the following terms:

"Heard.

Learned counsel for the opposite party says that the order of the writ court has been complied. Affidavit of compliance has been filed. It is taken on record.

Learned counsel for the petitioner also says that the order of the writ court has been complied.

In view of the above, contempt proceedings are dropped. Consign to records."

Subsequently application for recall was filed on the ground that the order was passed by the Principal Secretary, but, the actual payment has not been made, therefore, on 26.09.2022, the following order was passed:

"On 24.11.2021, the following order was passed while disposing of the contempt proceedings:

"Heard.

Learned counsel for the opposite party says that the order of the writ court has been complied. Affidavit of compliance has been filed. It is taken on record.

Learned counsel for the petitioner also says that the order of the writ court has been complied.

In view of the above, contempt proceedings are dropped. Consign to records."

Counsel for the applicant says that the order for payment

of dues was passed by the Principal Secretary, but, till date the actual payment has not been made. He says that on that date he had informed the Court that the actual payment has not been made, but, this fact was not taken note of in the order.

Let notice be issued to the opposite party no. 2, District Magistrate, Hardoi for filing his response to the application for recall.

List this case on 14.10.2022."

Office report says that opposite party no. 2 has been transferred, therefore, notices were sent to the Chief Judicial Magistrate, Barabanki for service upon District Magistrate, Barabanki which has been served, but, none has put in appearance on his behalf.

Considering the facts of the case, the order dated 24.11.2021 is hereby recalled and the contempt proceedings are ***disposed of*** with direction to the District Magistrate, Hardoi to get the facts verified as to whether the applicant is entitled to benefit of promotional pay-scale in the light of the decision taken by the State Government on 21.11.2021 and, if he is found entitled, to do the needful on his appeal keeping in mind the judgment of the writ Court. Decision in this regard shall be taken within two weeks.

It is made clear that this Court has not at all entered into the merits of the claim of applicant.

[Rajan Roy, J.]

Order Date :- 13.10.2023
Santosh/-