

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 2216 of 2023

Applicant :- Smt. Meena Dhawan

Opposite Party :- Shri V.K. Upadhyya, Director Ground Water Deptt. U.P. Lko. And Another

Counsel for Applicant :- Ashok Kumar Mishra

Counsel for Opposite Party :- Avinash Dube

Hon'ble Rajesh Singh Chauhan,J.

1. Heard.

2. This Court has passed order dated 03.10.2023, which reads as under:-

"1. Heard Sri Ashok Kumar Mishra, learned counsel for the petitioner and Sri Avinash Dube, learned counsel for opposite party no. 2.

2. Sri Dube has filed short counter affidavit indicating therein that the order of Writ Court has been complied with.

3. Sri Ashok Kumar Mishra, learned counsel for the petitioner has raised objection in the aforesaid submission by submitting that a sum of Rs. 4,59,617/- was recovered from the amount of gratuity of the petitioner vide impugned order dated 02.05.2022 and the Writ Court has quashed the impugned order dated 02.05.2022 on 09.11.2022. Therefore, Sri Mishra has stated that when the impugned order dated 02.05.2022 has been quashed by the Writ Court on 09.11.2022, the aforesaid amount should be paid to the petitioner forthwith but such amount has not been paid to the petitioner till date.

4. List on 17th of October, 2023.

5. On or before 17th of October, 2023, the opposite party no. 2 shall file the affidavit of compliance, making compliance of the order of Writ Court in it's letter and spirit, more particularly apprising the Court as to whether the sum of Rs.4,59,617/-, which has been recovered from the petitioner pursuant to the order dated 02.05.2022, has been paid to the petitioner or not. Failing which, opposite party no. 2, namely, Sri Amod Kumar, Executive Engineer Ground Water Department Khand Yantrik M.I.G.-11, Phage-1, Kaushalpur Colony, Ayodhya, District Ayodhya, shall appear in person."

3. In compliance of the aforesaid order, Sri Avinash Dube, learned counsel for opposite party no.2 has filed affidavit of compliance, the same is taken on record.

4. As per the aforesaid affidavit of compliance, the appropriate

order has been passed on 05.10.2023 by the Executive Engineer for making payment of a sum of Rs.4,59,617/-, which was recovered from the petitioner pursuant to the order dated 02.05.2022. Further attention has been drawn towards the order dated 09.10.2023 whereby the Executive Engineer has preferred a letter to the Additional Director (Treasury and Pension), Ayodhya Division, Ayodhya requesting that a sum of Rs.4,59,617/- be paid to the petitioner and revised PPO to that effect be issued with expedition.

5. In the wake of aforesaid development, there is no purpose to keep this contempt petition pending any longer.

6. Accordingly, this contempt petition is **dismissed**.

7. Notices are discharged.

8. However, it is expected that the aforesaid amount shall be credited in the account of the petitioner within fifteen days, to be more precise on or before 31.10.2023, failing which liberty is given to the petitioner to file an application in this contempt petition seeking revival of this contempt petition.

[Rajesh Singh Chauhan,J.]

Order Date :- 17.10.2023
RBS/-