

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 2414 of 2023

Applicant :- Amit Kumar Tripathi

Opposite Party :- Sri Deepak Kumar, Addl. Chief Secy. U.P., Lko. And Others

Counsel for Applicant :- Satyanshu Ojha

Counsel for Opposite Party :- Rishabh Tripathi

Hon'ble Rajesh Singh Chauhan,J.

1. Heard.

2. This Court has passed order dated 09.10.2023, which reads as under:-

"1. Heard Sri Satyanshu Ojha, learned counsel for the petitioner and Sri Rishabh Tripathi, learned counsel for the opposite party no. 3 i.e. Sri Akhilesh Pratap Singh, District Basic Education Officer, Sitapur, same is taken on record.

2. In compliance of the earlier order Sri Akhilesh Pratap Singh, District Basic Education Officer, Sitapur is present in person before the Court.

3. Sri Rishabh Tiwari, learned counsel for the opposite party no. 3 has stated that he has received complete instructions in the matter and on the basis of instructions he has stated that the compliance of the writ court order shall be done in its letter and spirit within two weeks.

4. Considering the aforesaid submission of Sri Tripathi, list this case on 6.11.2023.

5. On or before 6.11.2023 the officer who is present in person shall file affidavit of compliance making compliance in its letter and spirit failing which he shall again appear.

6. In case the order is not complied with in its letter and spirit charges may be framed against him on the next date.

7. When the case is next listed name of Sri Rishabh Tripathi shall be shown as counsel for the opposite party."

3. Sri Rishabh Tripathi, learned counsel for opposite party no.3 has filed affidavit of compliance, the same is taken on record.

4. Sri Tripathi has stated that in compliance of the order of the writ court, the petitioner has been permitted to continue on the post in question and order for payment of salary has been

passed. He has further submitted that specific recital to this effect has been given in para-7 of the affidavit of compliance. The order to this effect dated 04.11.2023 has been enclosed as Annexure No.A-1 to the affidavit of compliance. The aforesaid order has been passed subject to the final outcome of the writ petition/ stay vacation application, which is pending consideration.

5. Sri Satyanshu Ojha, learned counsel for the petitioner has submitted that however, the petitioner has been permitted to serve on the post in question but has not been paid salary. On that, learned counsel for opposite party no.3 Sri Rishabh Tripathi has stated that since the order has been passed on 04.11.2023, therefore, in compliance of the order of the writ court as well as in compliance of the aforesaid order dated 04.11.2023, consequential steps shall be taken forthwith.

6. In view of the aforesaid fact, nothing remains to be adjudicated in the present contempt petition.

7. Accordingly, the present contempt petition is **dismissed**.

8. Notice is discharged.

9. However, it is expected that in compliance of the order of the writ court as well as pursuant to the order dated 04.11.2023 passed by the District Basic Education Officer, Sitapur, the petitioner shall not only be permitted to discharge his duties on the post in question but shall be paid his salary, with expedition, preferably within a period of fifteen days from today, failing which 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 despite the order of the writ court and the order being passed by the competent authority on 04.11.2023, the petitioner has not been permitted to discharge his duties and has not been paid his salary, the contempt petition may be revived and in that case, any coercive order under the Contempt of Courts Act may be passed against the concerning authority.

[Rajesh Singh Chauhan,J.]

Order Date :- 6.11.2023

RBS/-