

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 2466 of 2023

Applicant :- Ram Mahesh

Opposite Party :- Ashok Kumar Singh, Chief Engineer, Sharda Sahayak, Ganga Sinchai Bhawan, Lko. And Another

Counsel for Applicant :- Avnish Kumar Singh

Hon'ble Rajesh Singh Chauhan,J.

1. Heard.

2. This Court has passed order dated 27.9.2023 which reads as under :

"1. Heard learned counsel for the petitioner and Sri Sunil Bajpayee, learned Addl. C.S.C. for the State.

2. Sri Bajpayee has stated that he has received complete instructions in the matter and he may be given some reasonable time to file affidavit of compliance.

3. Let the affidavit of compliance be filed within four weeks failing which the opposite party nos. 1 and 2 shall appear in person on the next date.

4. List on 6.11.2023."

3. In compliance of the aforesaid order Sri Sunil Bajpai has filed affidavit of compliance, same is taken on record.

4. Sri Bajpai has drawn attention of this Court towards Annexure CA-1 which is an office memo dated 3.11.2023 passed by the Executive Engineer, Canal Colony, Barabanki whereby the order of the writ court has been complied with issuing direction that the petitioner shall be paid all retiral benefits subject to the final outcome of a proposed special appeal, if the same is filed.

5. Learned counsel for the petitioner has stated that no special appeal has been filed till date.

6. Be that as it may, since the authority concerned has passed the office memo dated 3.11.2023 making compliance of the order of the writ court in its letter and spirit subject to final outcome of the special appeal, if the same is filed, there is no purpose to keep this contempt petition pending any longer.

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

8. Notices discharged.

9. However, since in compliance of the orders of the writ court,

the authority has passed office memo dated 3.11.2023, therefore, it is expected that in compliance of the order of the writ court and also in pursuant to office memo dated 3.11.2023 the petitioner shall be paid his all post retiral dues with expedition preferably within a period of four weeks from today. To be more precise, on or before 9.12.2023, failing which the liberty is given to the petitioner to file an application for seeking the revival of the present contempt petition and if such application is filed and it is found that the petitioner has not been paid his post retiral dues, the contempt petition may be revived and in that case any coercive order under the Contempt of Courts Act, 1971 may be passed against the authority concerned.

.

[Rajesh Singh Chauhan, J.]

Order Date :- 6.11.2023

Om