

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 2470 of 2023

Applicant :- Narendra Tiwari

Opposite Party :- Sri Alok Kumar, Prin. Secy. Food And Civil Supplies, U.P. Lko.

Counsel for Applicant :- Birendra Kumar Yadav, Satendra Jaiswal

Hon'ble Rajesh Singh Chauhan, J.

1. Heard learned counsel for the petitioner and Sri Amrendra Pratap Singh, learned Additional Chief Standing Counsel.

2. Sri Amrendra Pratap Singh has drawn attention of this Court towards the order of Writ Court dated 25.08.2022 passed in Writ-A No. 5334 of 2022 which reads as under:

"1. Heard Sri Birendra Kumar Yadav, learned counsel for the petitioner as well as learned Standing Counsel for the respondents.

2. It is submitted by learned counsel for the petitioner that petitioner was working on the post of District Supply Officer, Grade-II and is entitled to be promoted to the next higher post of District Supply Officer - Grade-I. A DPC held in June, 2022 and pursuant to which his juniors have been promoted.

3. Case of the petitioner for promotion was not considered on the ground that at the time of consideration, the petitioner had been awarded three censure entries dated 13.11.2017, 24.05.2019 & 17.08.2020. Assailing the said censure entries, the petitioner had filed three claim petitions before the Tribunal being 1807/2019, 650/2020 & 808/2021. The Tribunal disposed of the aforesaid claim petitions, quashing the censure entries awarded to the petitioner by means of orders dated 05.08.2021, 29.07.2021 & 11.11.2021.

4. It is in the light of aforesaid facts that the petitioner submits that once all the censure entries against the petitioner have been set aside by the Tribunal, he is entitled to be promoted from the date his juniors have been promoted to the post of District Supply Officer, Grade-I.

5. It is next submitted by learned counsel for the petitioner that aforesaid facts have been placed by the petitioner before the competent authority by means of representation dated 27.07.2022 (Annexure - 7 to the writ petition). It is further submitted that grievance of the petitioner will be substantially redressed in case respondent no. 1, considers and decides petitioners representation expeditiously.

6. Learned Standing Counsel has no objection in case suitable directions are issued to respondent no. 1 to consider and decide petitioner's representation expeditiously.

7. Accordingly, present writ petition is disposed of with direction to

respondent no. 1 - Principal Secretary, Food & Civil Supplies, Government of U.P., Lucknow to consider and decide petitioner's representation dated 27.07.2022 (Annexure - 7 to the writ petition), expeditiously, say within a period of eight weeks from the date of production of certified copy of this order, by means of reasoned and speaking order, in accordance with law.

8. With above directions the writ petition stands disposed of."

3. He has further draw attention of this Court towards the affidavit of compliance of Sri Alok Kumar, presently serving on the post of Principal Secretary, Food & Civil Supplies, Govt. of U.P., Civil Secretariat, Lucknow, showing Annexure No. A-1 which is office memo dated 15.09.2023 thereby in compliance of the order of the Writ Court, the representation of the petitioner has been decided.

4. Sri Amrendra Pratap Singh has stated that while deciding the aforesaid representation, the reasons have been indicated. However, learned counsel for the petitioner has stated that the proper reasons have not been indicated, therefore, the aforesaid order may not be treated as compliance of the order of Writ Court.

5. Be that as it may, since the Writ Court had directed to decide the representation of the petitioner and that representation has been decided vide order dated 15.09.2023 (supra), therefore, the present contempt petition is **dismissed**.

6. Notices are discharged.

7. Since the validity and the authenticity of the order being passed by the Competent Authority in compliance of the order of this Court, may not be tested by the Contempt Court for that the petitioner may approach the competent court of law. Therefore, the order dated 15.09.2023 may be treated as compliance of the order of the Writ Court dated 25.08.2022.

8. However, it is always open for the petitioner to assail the aforesaid order before appropriate Court of law, if he is aggrieved from that order.

[Rajesh Singh Chauhan,J.]

Order Date :- 17.10.2023

kkv/