

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 2578 of 2023

Applicant :- Rajesh Kumar Shukla

Opposite Party :- Shri Sardar Singh, District Inspector Of Schools, Pratapgarh

Counsel for Applicant :- Harsha Yadav

Hon'ble Rajesh Singh Chauhan,J.

1. Heard.

2. This Court has passed order dated 18.10.2023 which reads as under :

"1. Heard.

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

"1. Heard Ms. Harsha Yadav, learned counsel for the petitioner and Sri Amarendra Pratap Singh, learned Additional Chief Standing Counsel for the opposite party.

2. Sri Amarendra Pratap Singh, learned Additional Chief Standing Counsel has filed application for grant of time supported with an affidavit of Sri Sardar Singh, who is presently serving on the post of District Inspector of Schools, Pratapgarh, the same is taken on record. The aforesaid officer is present in person today before the Court.

3. Sri Amarendra Pratap Singh, learned Additional Chief Standing Counsel has stated that the petitioner is being permitted to discharge his duties and he is being paid his regular salary. However, the arrears of salary shall be paid to him with expedition as the necessary correspondences to that effect have already been done by the authorities concerned.

4. Replying the aforesaid contention of Sri Amarendra Pratap Singh, learned Additional Chief Standing Counsel, Ms. Harsha Yadav, learned counsel for the petitioner has stated that since the petitioner has been given the benefit of order dated 10.01.2023 passed in Writ-A No.7931 of 2022 (Raghvendra Prasad Pandey and 10 others vs. State of U.P. & others) and challenging the order of the Writ Court the special appeal has been filed by the State Government before this Court which has been dismissed and the Special Leave Petition (SLP) has also been filed before the Apex Court which too has been dismissed in the month of July, 2023. Despite the aforesaid development, now there was no legal impediment to the authorities to make payment of arrears of salary to the petitioner in terms of order of the Writ Court. Therefore, she has submitted that this is a deliberate and willful contempt of order of this Court.

5. Having considered the submissions of learned counsel for the parties and having regard the undertaking so given by the authority who is present in person today before the Court that the payment of arrears of salary would be made to the petitioner very soon, list this case on 18.10.2023.

6. On or before 18.10.2023, the affidavit of compliance shall be filed by the officer who is present today in person before the Court making compliance of order of the Writ Court in its letter and spirit, to be more precise, making payment of arrears of salary to the petitioner, failing which, he shall appear in person again on the next date.

7. It is made clear that if the order of the Writ Court is not complied with in its

letter and spirit, the charges may be framed against him on the next date."

3. In compliance of the aforesaid order, Sri Sardar Singh, DIOS, Pratapgarh is present in person.

4. Sri Mayanker Singh, learned Standing Counsel has fairly stated that part compliance of the order of Writ Court has been done and for remaining part of compliance, the authority concerned may be given some reasonable time.

5. List on 23.11.2023.

6. On or before 23.11.2023, the authority concerned shall file the affidavit of compliance, making compliance of the order of Writ Court in its letter and spirit, failing which he shall appear again in person.

7. If on the next date, the order of Writ Court is not complied with in its letter and spirit, the charges may be framed against the authority concerned.

8. In the meantime, learned counsel for the petitioner may file the impleadment application, impleading the Director of Education, Secondary, U.P., Lucknow in the array of opposite party. "

3. In compliance of the aforesaid order Sri Sardar Singh, D.I.O.S., Pratapgarh is present in person.

4. Sri Vinayak Saxena, learned Standing Counsel has submitted that in terms of the order of the writ Court as well as order of this Court the payment of amount / dues have been credited in the account of the petitioner as photocopy of the general bill has been shown to the Court.

5. Sri Saxena has provided the copy of the instruction letter dated 21.11.2023 preferred by the D.I.O.S., Pratapgarh addressed to the Chief Standing Counsel of this Court along with relevant correspondences and copy of the general bill which has been submitted in the Treasury yesterday, same is taken on record.

6. In the wake of aforesaid development nothing remains to be adjudicated by this Court in the present contempt petition.

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

8. Notices discharged.

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[Rajesh Singh Chauhan, J.]

Order Date :- 23.11.2023

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