

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 2602 of 2023

Applicant :- Dr. Arvind Kumar Srivastava And Others

Opposite Party :- Dr. Anand Kumar Singh, Vice Chan., Chandra Shekhar Azad Univ. Of Agri. And Tech.Kanpur And Another

Counsel for Applicant :- Rakesh Chandra Tewari

Counsel for Opposite Party :- Uttam Kumar Verma

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Sri R.C. Tewari, learned counsel for the petitioners and Sri Uttam Kumar Verma, learned counsel for the opposite parties.
2. Sri R.C. Tewari has filed objection to the affidavit of compliance, the same is taken on record.
3. Sri Uttam Kumar Verma has stated that the present contempt petition has been filed mainly on the ground that the order of Division Bench dated 11.07.2023 passed in Special Appeal Defective No. 446 of 2023 has not been followed by the authorities, whereas the authorities have followed the direction of the Division Bench in its letter and spirit. In compliance of the aforesaid direction, a show cause notice was issued to the petitioner to give reply within the stipulated time and after receiving the reply to the show cause notice of the petitioner, the final order has been passed.
4. Sri Verma has further stated that the final order has been assailed by the petitioners by filing a writ petition bearing Writ-A no. 7365 of 2023, wherein the petitioners have been granted interim order on 27.09.2023. Against the aforesaid interim order, the present opposite parties have proposed to file a special appeal and the special appeal may likely to be filed very soon, therefore, Sri Verma has stated that for all the practical purposes, the present contempt petition has lost its efficacy.
5. Sri Rakesh Chandra Tewari, learned counsel for the petitioners has stated this Court had issued notices to both the opposite parties but the affidavit of compliance has been filed on behalf of opposite party no. 2 only, therefore opposite party no. 1 has deliberately avoided to submit the affidavit of compliance. He has also stated that since the appellate court has directed to maintain the status quo before passing fresh order by the Vice Chancellor in compliance of the order of the Division Bench but such direction has been flouted, inasmuch the petitioner nos. 1 and 3 are not permitted to discharge their

duties and petitioner no. 2 has retired from his service on 31.07.2023 without getting any salary.

6. Be that as it may, since the present contempt petition has been filed for seeking compliance of the order of the Division Bench dated 11.07.2023 (supra) and in compliance of the order of the Division Bench, afresh order has already been passed by the Vice-Chancellor which has been assailed by the petitioners by filing a writ petition, therefore for all the purposes, the present contempt petition has lost its efficacy and nothing remains to be adjudicated in the present contempt petition.

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

8. Notices, if any, are discharged.

9. However, it is always open for the petitioners to raise their bonafide grievances before the Writ Court or before the appropriate court of law.

[Rajesh Singh Chauhan,J.]

Order Date :- 18.11.2023

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