

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 2349 of 2021

Applicant :- Chunni Lal Sonkar

Opposite Party :- Avnish Awasthi Addl.Chief Secy. Deptt.Of Home Lko.And Anr.

Counsel for Applicant :- Rohit Tripathi, Shishir Srivastava, Syed Zulfiqar Husain Naqvi

Counsel for Opposite Party :- C.S.C.

Hon'ble Rajesh Singh Chauhan, J.

1. Heard.

2. This Court has passed the order dated 22.11.2023, which reads as under:-

"1. Heard Shri Syed Zulfiqar Husain Naqvi, Advocate holding brief of Shri Rohit Tripathi, learned counsel for petitioner and Shri Sunil Bajpai, learned Additional Chief Standing Counsel.

2. Learned counsel for petitioner has provided the photocopy of the hard copy of the contempt petition and other affidavits so filed by the parties, same are taken on record.

3. Office is directed to send the said copy to the Court as and when the case is next listed.

4. As per learned Additional Chief Standing Counsel whatever amount was payable to the petitioner has been paid but learned counsel for petitioner has disputed the aforesaid fact by drawing attention of this Court towards the affidavit of compliance filed on 24.07.2023 by Shri Prashant Verma, Superintendent of Police, Bahraich, wherein the Annexure No.C.A.-3 is a letter dated 01.05.2023 along with the copy of Prarup-1 and verified bills have been enclosed. Those bills have been corrected by the CMO in terms of the norms applicable in SGPGI / KGMU.

5. Learned counsel for petitioner has stated that the basis or foundation of correcting the aforesaid bill has not been enclosed by the opposite parties inasmuch as no document / letter / circular etc. has been filed showing to the Court that the petitioner has been paid the amount in terms of the guidelines so applicable in SGPGI / KGMU. Learned counsel for petitioner has also drawn attention of this Court towards the short rejoinder affidavit filed on 02.03.2022 showing Annexure No.4, which is a letter indicating the details of bill of Sahara Hospital / Forrd Hospital, Lucknow amounting to Rs.87,281/- and as per learned counsel for petitioner, after verification of the aforesaid bills, the aforesaid amount should have been paid to the petitioner but while making payment to the petitioner of some meagre amount the aforesaid amount has not been paid, however, the aforesaid bill has been duly verified and submitted before the competent authority.

6. Shri Sunil Bajpai, learned Additional Chief Standing Counsel has stated that he shall seek specific instructions on the aforesaid submissions of learned counsel for petitioner, therefore, he may be given some reasonable time to seek instructions.

7. List this case on 14.12.2023 within top ten cases.

8. Shri Sunil Bajpai shall provide the copy of the guidelines / Government Order / circular etc. showing the rate list applicable in SGPGI / KGMU and also apprise the Court as to whether after verification of the bills amounting to Rs.87,281/- (supra) any decision has been taken to make payment of the aforesaid amount to the petitioner. To be more precise, Shri Sunil Bajpai shall clarify the fact clearly as to what amount has been paid to the petitioner as per the admissibility and whether any more amount is required to be paid to the petitioner as per the own norms of the State Government / SGPGI / KGMU."

3. In compliance of the aforesaid order, Sri Amarendra Pratap Singh, learned Standing Counsel has produced the photocopy of instructions letter dated 03.12.2023 preferred by the Superintendent of Police, District-Bahraich addressing to the Chief Standing Counsel enclosing therewith one more letter dated 03.12.2023 and the photocopy of the rate list, the same are taken on record and one copy thereof is provided to the learned counsel for the petitioner.

4. As per the aforesaid instructions letter, the Superintendent of Police, Bahraich has categorically indicated that against the claim raised by the petitioner to the tune of Rs.3,04,144/- he has been paid a sum of Rs.1,71,648/- and a sum of Rs.87,281/- is also included in that amount, therefore, as per the authority, no amount is outstanding as entire amount as per his admissibility under the law, has been paid.

5. Learned counsel for the petitioner has stated that specific recital for payment of Rs.87,281/- is concerned, it is not correct inasmuch as the bill of the aforesaid amount was missing before making payment of Rs.1,71,648/-, therefore, the petitioner should have been paid a sum of Rs.87,281/- apart from Rs.1,71,648/-.

6. Be that as it may, the aforesaid aspect may not be looked into by the Competent Court and after perusing the relevant documents, so produced by the authority as well as the instructions, I do not find any good ground to keep this contempt petition pending any longer.

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

8. Notices, if any, stand discharged.

9. However, it is always open for the petitioner to raise his claim, if any, before appropriate court of law/ authority.

[Rajesh Singh Chauhan,J.]

Order Date :- 14.12.2023

Suresh/