

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 2944 of 2023

Applicant :- Giriwar Singh

Opposite Party :- Smt. Manisha Trighatia Commissioner And Secy. Board Of Revenue U.P. Lko.

Counsel for Applicant :- Mahendra Pratap Singh

Hon'ble Rajesh Singh Chauhan,J.

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

2. Sri Sunil Bajpai, learned Additional Chief Standing Counsel has filed affidavit of compliance, today in the Court, the same is taken on record. The deponent of the aforesaid affidavit of compliance is Smt. Manisha Trighatia, who is presently posted as Commissioner and Secretary, Board of Revenue, Uttar Pradesh, Lucknow.

3. Attention has been drawn towards Annexure No.CA-1 of the affidavit of compliance, which is an order dated 16.11.2023 passed by the same authority whereby in compliance of order of the Writ Court as well as of the Appellate Court the punishment order earlier issued against the petitioner on 13.01.2021 has been cancelled and it has been indicated that the petitioner shall be paid all consequential service benefits subject to final outcome of pending appeal. By means of the aforesaid order, the departmental inquiry has been continued against the petitioner taking recourse of Regulation 351-A of Civil Service Regulation (C.S.R.).

4. Sri Bajpai, learned Additional Chief Standing Counsel has stated that the aforesaid departmental inquiry may be continued in terms of order of this Court.

5. Be that as it may, since the punishment order dated 13.01.2021, which was passed against the petitioner, has been cancelled and the direction has been issued that the petitioner shall be paid his all consequential service benefits, therefore, there is no purpose to keep this contempt petition pending any longer.

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

7. Notice, if any, stands discharged.

8. However, it is made clear that if in compliance of order of the Writ Court as well as in compliance or order of the Appellate Court as well as in terms of order dated 16.11.2023, if the petitioner is not paid the consequential service benefits with expedition preferably within a period of four weeks, to be more precise on or before 23.12.2023, he may file application for seeking revival of the present contempt petition and if such application is filed and it is found that despite the order of the Writ Court as well as of the Appellate Court no consequential service benefits have been paid in terms of order dated 16.11.2023, the contempt petition may be revived and in that case any coercive order under the provisions of Contempt of Courts Act may be passed against the authority concerned.

[Rajesh Singh Chauhan,J.]

Order Date :- 20.11.2023

Suresh/