

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 2971 of 2023

Applicant :- Vijay Pal Singh And Others

Opposite Party :- Mr. Deepak Kumar, Prin. Secy. Basic Education U.P., Lko.

Counsel for Applicant :- Sanjay Kumar

Hon'ble Rajesh Singh Chauhan,J.

1. Heard learned counsel for the petitioners and Sri Mayanker Singh, learned Standing Counsel.

2. This Court has passed the order dated 15.09.2023 which reads as under:

"1. Heard learned counsel for the applicants/ petitioners.

2. Learned counsel for the petitioners has submitted that the order of the writ court dated 13.09.2022 passed in Writ-A No.3750 of 2022 has not been complied with. For the convenience, the order dated 13.09.2022 is being reproduced herein below:-

"Heard.

Considering the fact that similar petitions have already been disposed of, this petition is also liable to be disposed of on the same grounds.

Similar petition bearing Writ A No. 38477 of 2016 has been decided on 21.04.2022 and based on it various other petitions have been decided including Writ A No. 5652 of 2022 and till date no Special Appeal has been filed against the judgment dated 21.04.2022.

The order/judgment dated 02.09.2022 passed in Writ A No. 5652 of 2022 reads as under:-

"Heard.

The petitioners are erstwhile employees of the Sarva Siksha Abhiyan of the Government of U.P. which has now been abolished.

The claim herein is for absorption on any regular post in any department under the State Government. Reliance is placed on a judgment of this Court Writ A No. 38477 of 2016 rendered on 21.04.222. This Court has considered this very issue in a similar matter bearing Writ A No. 3068 of 2022 and has disposed of the said petition on 25.05.2022 in the following terms:

"Be that as it may, the said judgment contained direction to the State of U.P. to formulate a policy for absorption of the petitioners therein who were working in the non-formal education scheme as Instructors within six months and absorb them in any department of the State Government and pay them their regular salary as per their eligibility and ability keeping in view their long service and more than 20 years period lost thereafter in pursuing litigation before this Court. This judgment takes note of a judgment of Hon'ble the Supreme Court in Civil Appeal No. 3751 of 2021 against the order of the Patna High Court for rehabilitating Supervisors working in the scheme of non formal education, etc.

In view of the above, it is provided that if any scheme is formulated by the State of U.P., if at all, then the claim of the petitioners shall also be considered accordingly in terms thereof keeping in mind the aforesaid judgment.

The petition is disposed of."

Counsel for the State has no objection if the writ petition is disposed of in the same terms.

This writ petition is disposed of in terms of the judgment dated 25.05.2022 quoted hereinabove."

This and the connected petitions are also liable to be disposed of on the same terms.

Accordingly, the writ petition along with other connected writ petition's are disposed of in the aforesaid terms."

3. Learned counsel for the petitioners has further submitted that the petitioners have given representation to the competent authority but no decision has been taken till date.

4. Learned counsel for the petitioners is directed to provide two copies of the contempt petition to Sri Sunil Bajpai, learned Addl. Chief Standing Counsel, who shall seek specific written instructions from the sole opposite party/ contemnor within a period of three weeks.

5. List on 11.10.2023 as fresh."

3. In compliance of the aforesaid order, Sri Mayanker Singh has shown the copy of order dated 10th of October, 2023 preferred by the Deputy Secretary, U.P. Government addressing to the Chief Standing Counsel enclosing therewith the copy of office memo dated 10th of October, 2023 passed by Principal Secretary, Department of Basic Education, Govt. of U.P. taking decision in the issue of the petitioners, in compliance of the order of Writ Court, the same is taken on record.

4. The photo copy of the aforesaid order/office memo dated 10th of October, 2023 has been provided to learned counsel for the petitioners.

5. In the wake of aforesaid development, nothing remains to be adjudicated in the contempt petition.

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

7. Notices, if any, are discharged.

8. However, it is always open for the petitioners to assail the order/office memo dated 10th of October, 2023, if the petitioners feel themselves aggrieved from the aforesaid order.

[Rajesh Singh Chauhan,J.]

Order Date :- 16.11.2023

kkv/