

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 2988 of 2023

Applicant :- Bhagwati Prasad Pandey And Another

Opposite Party :- Sri. B.L. Mina, Prin. Secy. Cooperative, Govt. Of U.P., Civil Sectt. Lko. And Others

Counsel for Applicant :- Daya Shankar Yadav

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Sri Daya Shankar Yadav, learned counsel for the petitioners and Sri Pawan Kumar Maurya, learned Standing Counsel.

2. Sri Pawan Kumar Maurya has filed the affidavits of compliance on behalf of opposite parties nos. 2 and 4, the same are taken on record.

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

"1. Heard.

2. The present contempt petition has been filed for violation of the order dated 16.12.2019 passed in Service Single No.35025 of 2019.

3. This is a case where for execution of the order of the writ court, the petitioners have filed two contempt petitions, one contempt petition is bearing Contempt No.1036 of 2017 and another contempt petition is bearing Contempt No.789 of 2020. The first contempt petition was disposed of for the reason that the learned Standing Counsel has stated that the order of the writ court has been complied with. However, in compliance of the aforesaid order, the petitioners were being paid their regular pension but after some time, the payment of pension was stopped, therefore, the petitioners have filed another contempt petition. The another contempt petition was disposed of on 01.03.2023 (Annexure No.5) on the basis of statement of learned Standing Counsel that the petitioners are being paid their pension regularly. However, the learned counsel for the petitioners had got no instructions at that point of time.

4. Shri Daya Shankar Yadav, learned counsel for the petitioners has stated that the petitioners are not being paid their pensions w.e.f. May, 2023 as recital with this effect that in para 23 of the contempt petition.

5. Issue notice to opposite party nos.2 and 4 returnable at an early date, for which, necessary steps be taken within a week.

6. Office to proceed accordingly.

7. List this case on 11.10.2023 within top ten cases."

4. Sri Maurya has submitted that in compliance of the order of Writ Court, the petitioners are being paid regular pension.

5. Sri Daya Shankar Yadav, learned counsel for the petitioners has stated that on account of contemptuous conduct of the

authorities, the petitioners were bound to file two contempt petitions. He has shown his apprehension that if this contempt petition is disposed of finally for the reason that the order of the Writ Court has been complied with as the petitioners are now getting their regular pension, they may again repeat their earlier misconduct by not making the payment of regular pension to the petitioners.

6. Having considered the aforesaid submissions of Sri Daya Shankar Yadav, it is hereby observed that if in any case, in future, the opposite parties stop for making payment of regular pension to the petitioners, the petitioners may file any appropriate application in the present contempt petition and in that case, this contempt petition shall be revived. If this Court finds that the payment of regular pension of the petitioners is stopped, any coercive orders may be passed against the erring opposite party/parties and erring opposite party/parties may be punished under the Contempt of Courts Act.

7. In view of the aforesaid observations, the present contempt petition is ***dismissed***.

8. Notices are discharged.

[Rajesh Singh Chauhan,J.]

Order Date :- 11.10.2023

kkv/