

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 3004 of 2023

Applicant :- Poonam Srivastava

Opposite Party :- Professor P.C. Saxena , Director, Ayurveda Services ,
Directorate Of Ayurvedic Services, U.P. Lko

Counsel for Applicant :- Anant Khanna,Gaurav Mehrotra,Maria Fatima

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Sri Anant Khanna, learned counsel for the petitioner and Sri Amrendra Pratap Singh, learned Standing Counsel for the State.

2. Sri Singh has filed affidavit of compliance of Dr. Prakash Chandra Saxena, Director, Ayurvedic Services, U.P., Lucknow, same is taken on record.

3. Learned counsel for the petitioner has submitted that though specific direction has been issued in para 18 of the order of the writ court dated 31.8.2022 but one more direction was issued in para 5 of the order of the writ court which has not been complied with till date. He has, however, submitted that he came to know that the petitioner has been given appointment under Dying in Harness Rules. For the convenience para 5 and 18 of the order of the writ court are being reproduced herein below:

"5. Accordingly, the petitioner is granted liberty to move a representation with regard to release of G.P.F. and one month's salary of her deceased husband before respondent No. 4 within ten days from today and in case such a representaiton is moved, respondent No. 4 is directed to consider and decide the same within four weeks thereafter in accordance with law by speaking and reasoned order.

18. Accordingly, the writ petition is disposed of with a direction to respondent No. 4 to re-consider the candidature of the petitioner for compassionate appointment in light of the provision contained in Government Order dated 02.11.2021. The petitioner is at liberty to move a representation before respondent No. 4 within ten days from today including all the relevant government orders and in case such a representation is moved, respondent No. 4 shall proceed to consider and decide the same within four weeks thereafter in accordance with law by speaking and reasoned order."

4. Sri Singh has stated that so far as the direction being issued vide para 18 of the writ court that has been complied with inasmuch as the office memo dated 26.5.2023 has been issued by the Director whereby the petitioner has been offered an appointment under Dying in Harness Rules and vide order dated 12.10.2023 the petitioner has been directed to submit her joining before the Chief Medical Officer, Bahraich by completing required formalities, the aforesaid orders have been enclosed with the affidavit of compliance.

5. So far as the direction so issued in para 5 of the order of the writ court is concerned the attention has been drawn towards para 6 of the affidavit of

compliance which reads as under :

"6. That it is respectfully submitted that the family pension as well as other benefit like as gratuity, leave encashment has already been given only GPF is to be paid which is to be done by the Chief Medical Officer, Bahraich."

6. Sri Singh has stated that the appropriate correspondence has already been done. Further, the family pension, gratuity and leave encashment have already been paid to the petitioner and the payment of G.P.F. would be paid to the petitioner at the earliest.

7. Therefore, it is clear that except the payment of G.P.F. all benefits have been provided to the petitioner inasmuch as she has been appointed under Dying in Harness Rules, she has been paid family pension, gratuity and leave encashment, therefore, the payment of G.P.F. shall be paid to her with expedition, say preferably within a period of six weeks from today and learned Standing Counsel shall inform the Chief Medical Officer, Bahraich and shall advise him to do the needful at the earliest.

8. Therefore, in view of above nothing remains to be adjudicated in the present contempt petition by this Court.

9. Accordingly, the contempt petition is **dismissed**.

10. Notices discharged.

.

[Rajesh Singh Chauhan, J.]

Order Date :- 30.11.2023

Om