

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 3083 of 2023

Applicant :- Smt. Maya

Opposite Party :- Amrit Abhijat, Prin. Secy. Nagar Vikas Civil Secrtt., U.P. Govt., Lko. And Another

Counsel for Applicant :- Arvind Kumar Vishwakarma

Hon'ble Rajesh Singh Chauhan,J.

1. Heard learned counsel for the petitioner and Sri Mohit Jauhari, learned Standing Counsel.
2. Sri Krishna Kumar Pandey, Advocate who has filed the affidavit of compliance alongwith the Vakalatnama on behalf of opposite party no. 2, the same is taken on record.
3. Learned counsel for both the opposite parties have drawn attention of this Court towards the order dated 14.10.2023 passed by the Municipal Commissioner, Lucknow, wherein it has been categorically indicated that before consideration of the candidature of the husband of the petitioner by three members' Committee on 21.04.2017, he died on 28.03.2017, therefore, petitioner's candidature could not be forwarded for regularization before the State Government. For all the practical purposes, the husband of the petitioner would be treated as a contract employee, therefore his candidature could not have been considered in the light of the judgment of this Court rendered in the case of **State of U.P. Vs. Kuldeep Thakur; 2017 (35) LCD 696**, inasmuch as the aforesaid judgment applies only on the candidates whose husband/father is died after his/her claim has been forwarded before the State Government for regularizing the services but in the present case, before forwarding the name of the husband of the petitioner, he died.
4. Learned counsel for the petitioner has further stated that the husband of the petitioner died only 24 days prior to the date of meeting and undisputedly, husband of the petitioner was duly entitled to be regularized in terms of the Government Order dated 03.01.2017.
5. Be that as it may, since Municipal Commissioner has passed the order dated 14.10.2023 rejecting the claim of the petitioner and the validity thereof may not be tested by the Contempt Court, therefore, the present contempt petition is **dismissed** by

providing the opportunity to the petitioner to assail the order dated 14.10.2023 before the appropriate Court of law, if she feels herself aggrieved from that order.

6. Notices, if any, are discharged.

[Rajesh Singh Chauhan,J.]

Order Date :- 3.11.2023

kkv/