

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 3125 of 2023

Applicant :- Dr. Vishnu Kant Ojha (Seniority No. 10375- Ga)

Opposite Party :- Parth Sharthi Sen Sharma Addl. Chief Secy. Medical Health And Family Welfare Lko.

Counsel for Applicant :- Hari Prasad Gupta

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Sri Hari Prasad Gupta, learned counsel for the petitioner.

2. Sri Hari Prasad Gupta has filed supplementary affidavit in compliance of the order of this Court, the same is taken on record.

3. In para paras-2 & 3 of the supplementary affidavit, the deponent has indicated that despite the service of the order of the Court through registered post, compliance has not been done and original receipt of the registered post has been enclosed with the supplementary affidavit.

4. Sri Hari Prasad Gupta has also shown copy of office memo dated 16.11.2023 passed by the Joint Secretary of the Department granting the benefit to the petitioner in terms of the order of the writ court. Photocopy of the order dated 16.11.2023 is taken on record. Sri Hari Prasad Gupta has further submitted that since the appropriate order has been passed on 16.11.2023, therefore, this contempt petition may be disposed of finally but the direction may be issued to provide actual benefit of the office memo dated 16.11.2023 to the petitioner, with expedition.

5. Be that as it may, since the competent authority has passed the order dated 16.11.2023 providing the benefit to the petitioner in terms of the order of the writ court, therefore, there is no good ground to keep this contempt petition pending any longer.

6. Accordingly, this contempt petition is **dismissed**.

7. However, it is expected that in terms of office memo dated 16.11.2023, the petitioner be provided the actual benefit in terms of the order of the writ court so that the petitioner could

avail the benefit so given vide office memo dated 16.11.2023 with expedition, preferably within a period of four weeks, to be more precise on or before 16.12.2023, failing which liberty is given to the petitioner to file an application for revival of this contempt petition and if such application is filed and it is found that the benefit pursuant to the office memo dated 16.11.2023 has not been credited/ given to the petitioner, the contempt petition may be revived and any coercive order under the Contempt of Courts Act may be passed against the erring authority.

[Rajesh Singh Chauhan,J.]

Order Date :- 17.11.2023

RBS/-