

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 3207 of 2023

Applicant :- Om Prakash Sharma

Opposite Party :- Sri Shahzad Ahamad Ansari, Finance Director, U.P. Jal Nigam Lko.

Counsel for Applicant :- Dr.Ved Prakash,Mukul

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Dr. Ved Prakash, learned counsel for the petitioner and Sri Madhav Om, holding brief of Sri Samir Om, learned counsel for the opposite party.

2. Sri Madhav Om has filed affidavit of compliance, the same is taken on record.

3. Sri Om has shown copy of speaking order dated 25.10.2023 passed by the Finance Controller (Rural), U.P. Jal Nigam (Rural), Lucknow making payment of the retiral dues to the petitioner in terms of the order of the writ court. As per the aforesaid order, all retiral dues have been paid to the petitioner. So far as the payment of interest on the delayed payment is concerned, that is not admissible as per the decision so taken by the Board of Directors of the Jal Nigam, which has been indicated in the aforesaid order itself. So far as the payment of pension is concerned, since services of the petitioner have been regularized on 26.04.2011, therefore, the petitioner cannot be paid pension. It has also been indicated in the aforesaid order that the aforesaid order has been passed subject to the final outcome of pending writ petitions bearing No.17904 of 2020 & 21362 of 2020.

4. Dr. Ved Prakash, learned counsel for the petitioner has stated that the aforesaid order is not actual compliance of the order of the writ court inasmuch as the petitioner is duly entitled for the interest on the delayed payment and pension, therefore, he has requested that liberty may be given to the petitioner to assail the aforesaid order dated 25.10.2023 before the appropriate court of law.

5. Be that as it may, since in compliance of the order dated 03.03.2023 passed by the writ court, the authority concerned has passed order dated 25.10.2023 (supra) making payment of all post retiral dues to the petitioner and indicating the reason

that the petitioner is not entitled for the interest as well as pension, therefore, nothing remains to be adjudicated in the present contempt petition.

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

7. Notice is discharged.

8. However, it is always open for the petitioner to assail the order dated 25.10.2023 before the appropriate court of law, if the petitioner feels himself aggrieved from that order.

[Rajesh Singh Chauhan,J.]

Order Date :- 17.11.2023

RBS/-