

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 3496 of 2023

Applicant :- Ram Ji Pandey And Others

Opposite Party :- Vijay Kumar, Director General Of Police, Lko. And Another

Counsel for Applicant :- Vinod Kumar

Hon'ble Rajesh Singh Chauhan,J.

1. Heard learned counsel for the petitioners and Sri Mohit Jauhari, learned Standing Counsel.

2. Sri Mohit Jauhari has drawn attention of this Court towards the order of Writ Court dated 10.08.2022 passed in Writ-A No. 11723 of 2022 which reads as under:

"Heard Mr. Janardan Yadav, learned counsel for the petitioners and the learned Standing Counsel for the State-respondents.

This writ petition has been filed for following relief:

"(a). Issue a writ, order or direction in the nature of mandamus directing the respondents to add the service period of Army in the present service of the petitioners in U.P. Police Department accordance with law.

(b) Issue a writ, order or direction in the nature of mandamus directing the respondents to re-fix the salary of the petitioners after adding the previous services rendered by the petitioners in Army. ..."

Learned counsel for the petitioners submits that petitioner was initially working in Indian Army and subsequently, they have been appointed in Police Department of the State of U.P., therefore, in view of the settled legal position, the services rendered by the petitioners in Indian Army is to be counted for the purposes of fixation of their salary and other benefits. For the said grievances, they have made representations before the authority concerned but no decision has been taken thereon till date. Hence the present writ petition.

Considering the facts and circumstances of the case but without expressing any opinion on the merits of the case set up on behalf of the petitioners, the present writ petition is disposed of by providing that petitioners may make a fresh representation individually, ventilating all their grievances, supported by such documents, as they may be advised, before respondent no.3, within two weeks from today, along with a certified copy of this order. On such representation being made, respondent no.3 shall consider and decide the same, strictly in accordance with law, by means of a reasoned speaking order, preferably within three months thereafter, if there is no legal impediment."

3. Sri Jauhari has further drawn attention of this Court towards Annexure No. C-1 to the affidavit of compliance which is an order dated 14.11.2023 passed by Deputy Inspector General of Police (Establishment), Uttar Pradesh, taking decision in the matter of the petitioner in terms of the order of Writ Court, therefore, he has submitted that the order of Writ Court has been complied with.

4. However, learned counsel for the petitioners has stated that the order dated 14.11.2023 has not been passed strictly in accordance with law and the same is nullity in the eye of law.

5. Be that as it may, since the Writ Court has ordered to decide the representation of the petitioners and the representation has been decided and the validity thereof may not be tested by the Contempt Court, therefore, the instant contempt petition is ***dismissed.***

6. Notices, if any, stand discharged.

7. However, it is always open for the petitioners to challenge the order dated 14.11.2023 before appropriate court of law, if the petitioners are aggrieved.

[Rajesh Singh Chauhan,J.]

Order Date :- 18.12.2023

kkv/