

**Court No. - 4**

**Case :-** CONTEMPT APPLICATION (CIVIL) No. - 4149 of 2023

**Applicant :-** Umashankar Pathak

**Opposite Party :-** Shashi Bhushan Lal, Susheel, Milk Commissioner, Dugdha Sahkari Samitiyan, Lko.

**Counsel for Applicant :-** Amar Nath Dubey

**Hon'ble Rajesh Singh Chauhan,J.**

1. Heard learned counsel for the petitioner, and Sri Ram Swaroop, learned Standing Counsel.

2. Sri Ram Swaroop, the learned Standing Counsel has filed affidavit of compliance, the same is taken on record. He also submitted that writ Court vide order dated 28.07.2023 has directed to consider and decide the representation of the petitioner strictly in accordance with law. Writ Court further made it clear that the Court has not entered into the merits of the issue.

3. Attention has been drawn to annexure No.1 of the affidavit of compliance which is order dated 06.10.2023 passed by Milk Commissioner/Registrar Milk Cooperative Societies, U.P., rejecting the representation of the petitioner, indicating therein a fact that the Cooperative Milk Societies are facing financial crunch, therefore the dues of the employees are not being paid timely. Learned counsel for the petitioner stated that the aforesaid indication by the authority may not be accepted in as much as on account of financial crunch, the admissible dues of the employees may not be denied, therefore, the aforesaid is not only illegal and unwarranted but the same is also mis-conceived.

4. Be that as it may since the issue in question requires adjudication and the Writ Court vide order dated 28.07.2023 did not enter into the merits of the issue and directed to decide the representation of the petitioner, which has been done, therefore nothing remains to be adjudicated in the present contempt petition.

5. Accordingly, present contempt application is **dismissed**. Notices, if any, are discharged.

6. However it is always open to the petitioner to assail the order

dated 06.10.2023 (supra), before the appropriate court of law.

(Rajesh Singh Chauhan,J.)

**Order Date :- 20.12.2023**

Vipul