

Court No. - 6

Case :- WRIT - A No. - 12221 of 2024

Petitioner :- Neeraj Kumar

Respondent :- State Of U.P. Thru. Addl. Chief Secy.
Panchayati Raj Lko. And 3 Others

Counsel for Petitioner :- Kuldeep Singh Kalhans

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

1. Head Sri Kuldeep Singh Kalhans, learned counsel for the petitioner as well as learned Standing Counsel for the respondents.

2. Grievance raised by the petitioner in the present writ petition is with regard to 50% of arrears of salary having not been paid to the petitioner by the respondents for the period 12.02.2009 to 04.12.2016, in compliance of directions dated 26.09.2016, passed by this Court in Writ Petition No. 2192 (S/S) of 2009.

3. It has been submitted by learned counsel for the petitioner that petitioner was working on the post of "safai karmi" in the office of Block Development Officer, Pihani, Hardoi, where his services were terminated on 12.02.2009. Against which the petitioner approached this Court by filing Writ Petition No. 2192 (S/S) of 2009, which was allowed by means of judgment and order dated 26.09.2016 and this Court had directed that the petitioner shall be put back in service w.e.f. 12.02.2009 with continuity in service and considering the fact that the petitioner has not worked for the past 7 years, he shall be entitled to back wages to the extent of 50%. The Court further directed that the salary of the petitioner shall be re-fixed after his retirement.

4. It is compliance of the aforesaid directions of this Court, it has been submitted by the petitioner that respondents have not complied with the order of writ Court or have paid him 50% of the arrears of salary.

5. Learned Standing Counsel on the other hand has opposed the writ petition. He has submitted that appropriate remedy to the petitioner would be to file contempt petition for non compliance of the directions of the writ Court and this Court under Article 226 of the Constitution of India would not sit in execution of the directions issued by a coordinate Bench.

6. After arguing the matter up to some length, it is submitted by learned counsel for the petitioner that he does not wish to press the writ petition and same may be dismissed as not pressed.

7. Learned Standing Counsel has no objection to the above prayer made by learned counsel for the petitioner.

8. Accordingly, present writ petition is **dismissed as not pressed.**

Order Date :- 18.12.2024

A. Verma

(Alok Mathur, J.)