



2025:JHC-1 K0:29194

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CONTEMPT APPLICATION (CIVIL) No. - 4087 of 2025

Chandan Pathak
.....Applicant(s)

Versus

Shri Ashok Kumar Dwivedi Engineer In Chief
(H.O.D.) Public Works Deptt. Lko.
.....Opposite
Party(s)

Counsel for Applicant(s)	:	In Person
Counsel for Opposite Party(s)	:	

Court No. - 8

HON'BLE MANISH KUMAR, J.

1. The applicant is present in person before this Court today.
2. The present contempt application has been preferred against the alleged non compliance of judgment and order dated 07.11.2025 passed in Writ A No. 12938 of 2025, which is quoted hereinbelow:-

"1. Heard petitioner in person and learned State Counsel appearing on behalf of the opposite parties.

2. Present petition under Article 226 of Constitution of India has been filed seeking a direction to authority concerned for grant of subsistence allowance in terms of Rule 53 of Financial Hand Book Volume 2, Parts 2-4.

3. Considering the nature of prayer being made, opposite party no.2 i.e. Engineer in Chief, U.P. Public Works Department, Lucknow is directed to ensure payment of subsistence allowance to petitioner for the period he was under suspension. Actual payment thereof shall be ensured by authority concerned within a period of three weeks from receipt of a certified copy of this order.

4. With aforesaid direction, the petition stands finally disposed of."
3. The applicant has submitted that the actual payment has not been made to the applicant after setting aside the suspension order by the High Court i.e. salary for the period he was placed under suspension. Hence, the respondent is willfully and intentionally disobeying the judgment and order dated 07.11.2025 passed in the writ petition.
4. After hearing the applicant who is appearing in person, it is found that the writ petition was filed for issuing direction to the authority concerned for grant of subsistence allowance in terms of Rule 53 of Financial Hand Book Volume

2, Parts 2-4. The writ Court has directed the respondent no. 2 to ensure payment of subsistence allowance to the petitioner for the period he was under suspension and actual payment thereof shall be ensured within a period of three weeks, so this actual payment referred is with regard to the payment of subsistence allowance, which was not being paid to the applicant during the suspension period and as per the admitted case of the applicant, the subsistence allowance for the period he was under suspension has been paid to the applicant. Here the actual payment is to be read with reference to the context i.e. prayer made in the writ petition, which was confined for the subsistence allowance only.

5. In view of the facts, circumstances and discussion made hereinabove, the judgment and order passed by the writ Court has been complied with and no case of contempt is made out. The present contempt application is accordingly dismissed.

(Manish Kumar,J.)

December 16, 2025

Nitesh