

Court No. - 6

Case :- CONTEMPT APPLICATION (CIVIL) No. - 1735 of 2023

Applicant :- Sushil Kumar Srivastava And Others

Opposite Party :- Sh. Ram Chandra Veer Raman General Manager, North Eastern Railway, Gorakhpur,

Counsel for Applicant :- Meenakshi Singh Parihar, Divyanshu Pratap

Hon'ble Rajnish Kumar, J.

1. Heard Shri H.J.S. Parihar, learned Senior Advocate assisted by Shri Divyanshu Pratap, learned counsel for the applicants.
2. This application has been filed alleging non-compliance of the order dated 13.10.2009 passed in Writ Petition No. 831 (SS) of 2005, Writ Petition No. 74(SS) of 2005 and Writ Petition No. 1420 (SS) of 2000 as contained in Annexure No. 1 to the contempt application and punish for flouting the orders dated 13.10.2009 and 4.12.2009.
3. By means of the order dated 13.10.2009, Writ Petition No. 831 (SS) of 2005 was dismissed providing therein that in case within four months from today, respondents are appointed then respondents will not be entitled to any back-wages failing which impugned order passed by Central Administrative Tribunal, Lucknow must be implemented in all its respects.
4. Writ Petition No. 74(SS) of 2005 was dismissed by means of order dated 13.10.2009 in terms of order passed in Writ Petition No. 831(SS) of 2005. The Writ Petition No. 74 (SS) of 2005 was dismissed recording the undertaking of the respondent that they agreed for giving up the claims for back-wages/salary in case appointment is given within four months.
5. The order was passed on 4.12.2009 in Writ Petition No. 1420 of 2000, which was disposed of in terms of aforesaid orders.
6. The SLP (C) No. 24303 of 2010 was filed by the Union of India which was dismissed by the Hon'ble Supreme Court by means of order dated 18.10.2022 granting eight weeks' further time to comply the order of the High Court. This time was extended on application moved by the Union of India till 28.2.2023 by means of order dated 2.1.2023. Before expiry of the aforesaid period granted by this Court, the applicants had

approached this Court filing Contempt Application No. 297 of 2023, which was withdrawn and permitted by this Court on 6.2.2023 with liberty to file fresh after passing of the time granted by this Court. Similar Contempt Application No. 325 of 2023 was also got dismissed.

7. The applicants have been appointed by means of order dated 28.2.2023.

8. This application has been filed alleging non-compliance of the aforesaid orders on the ground that back-wages and other consequential benefits have not been given, whereas the same have been denied by this Court as disclosed above and the time granted by this Court was extended time and again by Hon'ble Supreme Court and lastly by order dated 2.1.2023 up to 28.2.2023 and the applicants have been appointed by means of order dated 28.2.2023, therefore, the contention of learned counsel for the applicants is misconceived and not tenable. No contempt is made out.

9. The contempt application is, accordingly, **dismissed**.

Order Date :- 30.5.2023

Mohit Singh/-