

(2011) 03 AHC CK 0311

In the Allahabad High Court

Case No : Contempt Application (Civil) No. 3424 of 2010

Binda Prasad

APPELLANT

Vs

A.K. Gupta, Chief Engg. Allahabad Zone P.W.D. and Others

RESPONDENT

Date of Decision : 11-03-2011

Acts Referred:

Citation : (2011) 03 AHC CK 0311

Hon'ble Judges : Sanjay Misra, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Sanjay Misra, J.—Heard learned Counsel for the applicant and Sri K.R. Singh, learned Standing Counsel for the opposite party.

2. This contempt petition has been filed alleging contempt of the order dated 29.03.2010 passed by learned Single Judge of this Court in Bindra Prasad v. State of U.P. and Ors. Writ Petition No. 16098 of 2010. The order dated 29.03.2010 is quoted hereunder:

The Petitioner's claim benefits keeping in view the judgment of the learned Single Judge dated 13.09.2005. The said judgment was reversed in Special Appeal but the Apex Court has passed an order on 30.04.2009 and the operation of the judgment of the Division Bench has been stayed.

Let the claim of the Petitioner be also examined in the light of the aforesaid developments by the Respondent Nos. 3 to 5 who shall proceed to pass an appropriate order within 8 weeks from the date of production of a certified copy of this order before him keeping in view the aforesaid facts and keeping in view the fact that similarly situate persons are stated to have been extended such benefits.

The writ petition stands disposed of accordingly.

3. A perusal of the order dated 29.03.2010 indicates that the Respondents were

required to pass an appropriate orders on the claim of the Petitioner within 8 weeks from the date of production of the certified copy of the order keeping in view the judgment passed in Civil Appeal and its effect by the interim order dated 30.04.2009 passed by the Apex Court.

4. Sri K.R. Singh, learned Standing Counsel, has referred to the short counter affidavit filed on behalf of the opposite party alongwith Misc. Application No. 8043 of 2011 and refers to the order dated 26.07.2010 filed as annexure therein. He states that in view of the direction issued by the Writ Court the Opposite Party No. 2 has considered the claim made by the applicant and has passed detailed order which is a clear compliance of the directions issued by the Writ Court on 29.03.2010.

5. Having perused the record, it appears that as per the direction issued by the Writ Court the Opposite Party No. 2 has considered the claim of the applicant and has passed the detailed order on 26.07.2010. Under such circumstances, when the Writ Court required the authority to consider the claim and pass a reasoned order and such order has been passed by the authority, it cannot be said that the authority has disobeyed the directions issued by the Writ Court.

6. Insofar as the present case is concerned, the Writ Court required the Respondents to examine the claim of the Petitioner keeping in view the judgment dated 13.09.2005 of learned Single Judge which was reversed in Special Appeal and the interim order dated 30.04.2009 passed by the Apex Court and also keeping in view the fact that similarly situated persons are stated to have been extended such benefits. By the order dated 26.07.2010 such claims made by the Petitioner have been duly considered and appear to have been turned down. In case, the applicant feels aggrieved by the decision so taken under the order dated 26.07.2010 passed by the Opposite Party No. 2 he has the remedy to assail the same before the appropriate forum. In contempt proceedings, this Court cannot either set aside such order nor it can go behind the reasoning given therein.

7. What is to be seen is whether the order passed by the Writ Court has been complied with by the opposite parties or not. Clearly, the order dated 29.03.2010 passed by the Writ Court has been complied with and, therefore, if the applicant is aggrieved by the decision so taken by the authority on 26.07.2010 it will be open for him to assail the same before the appropriate forum. The contempt petition stands dismissed as above.

8. No order is passed as to costs.