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**(2008) 12 AHC CK 0147**  
**In the Allahabad High Court**

Mahadeo Prasad

APPELLANT

Vs

Raksha Goswami and another

RESPONDENT

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**Date of Decision :** 02-12-2008

**Acts Referred:**

**Citation :** (2008) 12 AHC CK 0147

**Hon'ble Judges :** Abhinava Upadhya, J

**Final Decision :** Dismissed

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## Judgement

Abhinava Upadhya, J.

By way of present contempt petition, the petitioner alleges noncompliance of the order dated 21.09.2006.

On the other hand learned Additional Chief Standing Counsel, who appears for the respondents has filed a short counter affidavit. He submits that the judgment, which is said to be not complied with by the respondents, relates only to respondent Nos. 2 & 3 in the said writ petition. Whereas petitioner before the contempt court was petitioner No. 4 in the writ court.

From various lines of the aforesaid judgment, it has been indicated by learned Additional Chief Standing Counsel that the order was only in respect of those petitioners, who were still working in the academy at the time of passing of the order. On page3, he has pointed out that the judgment indicates that "petitioner No. 4 is working as Peon in Ayurvedic Evam Tibbi Academy, U.P. Rajkiya Ayurved Maha Vidyalaya Bhawan, Tulsidas Marg, Lucknow" then again in the second paragraph of the same page, it has been stated that "the petitioners, who are still working in the academy" and further on page4 of the judgment, according to the counsel for the State, the order was only in respect of petitioner Nos. 2 & 3. He further submits that the writ petition was pressed only by petitioner Nos. 2 & 3.

So far as the petitioner in the present contempt petition is concerned, he was petitioner No. 4 in the writ petition and he himself has sent a letter dated

01.01.2008, in which a recital has been made by the petitioner himself that he did not work from 11.10.2001 to 26.09.2007.

Under these circumstances, it is submitted, that the order of the writ court is not applicable, so far as petitioner in the present case is concerned. The contention of the learned Additional Chief Standing Counsel has force.

It apparently appears that the writ petition was pressed only on behalf of respondents No. 2 & 3. In Annexure CA2, the petitioner himself has written that he was not working at the time of passing of the order of this Court and, therefore, so far petitioner is concerned it cannot be said that the order of this Court has not been complied with.

The contempt petition is misconceived and is accordingly dismissed.