

**(2016) 03 SC CK 0029**

**In the Supreme Court Of India**

**Case No :** Civil Appeal No(s). 2660 of 2016 (Arising out of SLP(C) No. 35155 of 2013)

State of Uttar Pradesh

APPELLANT

Vs

A.K. Earth Movers & Ors.

RESPONDENT

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**Date of Decision :** 11-03-2016

**Acts Referred:**

**Citation :** (2016) 3 Scale 622

**Hon'ble Judges :** Ranjan Gogoi;Prafulla C. Pant, JJ.

**Bench :** Division Bench

**Advocate :** Ms. Niranjana Singh, Advocate, for the Respondent

**Final Decision :** Allowed

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## **Judgement**

1. Leave granted.

2. The respondents-writ petitioners had filed a writ petition i.e. Writ Petition No.1383 (MB) of 2013 before the Allahabad High Court, Lucknow Bench seeking payment of certain dues for work done, which according to the writ petitioners were undisputed. The writ petition was disposed of by the High Court on 20th February, 2013 with the following operative direction :-

"...Accordingly, writ petition is disposed of with a direction to respondents to decide the pending representation on merits within a period of four weeks from the date of receiving a copy of this Order.

Writ petition, thus, stands disposed of."

3. Pursuant thereto the Executive Engineer, Flood Division, Sharda Nagar, Lucknow passed the following order dated 15.03.2013 :-

"In compliance of order dated 20.2.2013 passed by the Lucknow Bench of the Hon'ble High Court in Writ Petition No.1383 (MB) of 2013 filed by M/s. A.K. Earth Movers (Proprietor Pankaj Singh and Ors.) in the Hon'ble High Court, Lucknow Bench, M/s. A.K. Earth Movers (Proprietor Pankaj Singh and Ors.) are informed

that the payments requested for work done against those contracts as contained in their representation s dated 1.2.2013 and in Writ Petition No.1383 (MB) of 2013 filed by them, the said works are under inquiry.

As such, at the present time these works are disputed. Upon completion of enquiry, necessary action in respect of payment against the said works shall be taken."

4. Alleging willful disobedience of the High Court Order dated 20.02.2013, Contempt Petition No.909(C) of 2013 has been filed by the respondents-writ petitioners, wherein the impugned order has been passed by the High Court by which the High Court virtually sought to determine the entitlement of the respondents-writ petitioners for payment and, accordingly, called for the original records. Aggrieved by the same, the State of Uttar Pradesh is in appeal.

5. We have heard the learned counsels for the parties and perused the relevant material.

6. The order of the High Court dated 20th February, 2013 in Writ Petition No.1383 (MB) of 2013 in respect of which disobedience has been alleged merely directed consideration of the writ-petitioners" representation.

7. The said representation was duly considered and orders thereon were passed by the concerned authority on 15.03.2013. If the respondents-writ petitioners had any grievance against the said order dated 15.03.2013, it was open for them to seek their legal remedies against the same in accordance with law. We do not see how the contempt petition could have been maintained in the facts noted above. In any case, we do not see how the High Court could have considered it proper to propose an adjudication of the entitlement of the respondents-writ petitioners for payment in a contempt proceeding as has been done by the impugned order.

8. In view of the facts stated above, we do not consider that it was proper for the High Court to proceed in the manner indicated in the impugned order. We, therefore, set aside the aforesaid order and leave the respondents-writ petitioners with all other remedies as may be open to them in law for the redressal of their grievances, if any.

9. The appeal is accordingly allowed in the above terms.