

CONC-316-2010

(Dr. Surendra Kumar Gupta vs Shri Aswani Kumar Rai)

5.9.2017.

Shri M.K. Mishra, learned counsel for petitioner.

Shri Anvesh Shrivastava, learned counsel for respondent
No.5.

Petitioner alleging willful disobedience of order dated 27.11.2009 passed in Writ Petition No.6356/2008, has filed this contempt petition.

The Writ Petition was disposed of in the following terms :

“Petitioner has brought on record an order Annexure P/10 dated 25.6.2009 along with I.A. No.10566/09. By this order, the Directorate of Fisheries has granted the benefit of revision of pay scale in the grade of Rs.5500-175-9000/- to the petitioner and the said revision is made effective from 1.4.2006 as is evident from the order Annexure P/10. The name of the petitioner appears at Sl. No.82 in the said order. In view of the order Annexure P/10 dated 25.6.2009 passed by the parent Department of the petitioner i.e. Fisheries Department and keeping in view the only objection raised by the respondents as is evident from para 5 of the return, now the impediment in granting revision of pay scale to the petitioner no more survives. Benefit is granted to petitioner by his parent department w.e.f. 1.4.1996. Accordingly, this petition is allowed. Order impugned dated 3.5.2008 is quashed and respondents are directed to grant

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benefit of revision of pay scale of Rs.5500-9000 w.e.f. 1.4.2006 as ordered on 25.6.2009 vide Annexure P/10.

Subsequently, the order was reviewed on 19.5.2010 in Review Petition No.363/2010 in the following terms :

“Considered the averments made, this application is allowed. The date on which the benefit is granted to the petitioner by the parent department, which is shown as 1.4.1996, in the order dated 27.11.2009 passed in W.P. No.6356/2008(s), be read as 1.4.2006, and the date from which notional benefit is directed to be granted be also read as 1.4.2006.

With the aforesaid correction to the order passed by this Court on 27.11.2009 in W.P. No.6356/2008(s), this application is allowed and disposed of.”

On being noticed, reply was filed on 14.8.2010 by respondent No.6, wherein it was stated that in pursuance to order passed in Writ Petition, the order dated 11.3.2008 brought back into effect and arrears of Rs.29,562/- was paid from 7.8.2007 to 30.9.2008 and the rest of the amount would be paid by respondent No.8. That, respondent No.8 in its reply filed on 21.7.2011 stated that for the period from 3.10.2008 till July, 2011, the petitioner was paid the arrears of Rs.1,83,332/-

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vide cheque dated 20.7.2011. That, in a reply filed by respondent No.5 on 15.7.2011, it was stated that the arrears of revision of pay for the period during which the petitioner was posted in the Fisheries Department i.e. till November, 2006 have been calculated and being paid in five installments and the amount of Rs.34,942/- of two installments was paid in lump sum and the remaining three installments shall be disbursed in due course along with other employees.

Thus, there is substantial compliance of the order passed in writ petition. In view whereof, no case is made out of willful disobedience. If the petitioner feels that he is entitled for something more, he is at liberty to represent to the competent Authority with specific claim which the petitioner thinks has not been settled. The respondents would decide the same objectively.

For the present, since no contempt is made out, the proceedings are **dropped**. Rule Nisi discharged.

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(SANJAY YADAV)
JUDGE