

CLCON No. 93/2012

**Hon'ble V.K. Bist, J.**

Mr. Vikas Pandey, Advocate for the petitioner.

Mr. N.S. Pundir, Advocate for respondent.

Heard.

This petition has been filed for non-compliance of the order dated 16.09.2010 passed by the Division Bench of this Court in WPSB 58 of 2010 'Dr. Suresh Chandra Panwar vs. Chairman, Uttarakhand Seeds & Tarai Development corporation and anr.'

The Division Bench of this Court passed order on 16.09.2010 directing the respondents to conclude the application of the petitioner for voluntary retirement in accordance with law. The Court made it clear that in view of the order dated 11<sup>th</sup> October, 2002, the petitioner was prevented from attending the duties assigned to him, until the date he retired, and accordingly, the order to be passed afresh, in terms of this order, should relate on and from 11<sup>th</sup> October, 2002.

Affidavit of compliance was filed on behalf of respondent no.1 and in paragraph-5 of the affidavit, it is asserted that in compliance of the order of this High Court, an order was passed for payment of all dues on the basis of voluntary retirement scheme and vide order dated 31<sup>st</sup> May, 2012 a sum of ₹ 4,37,442/- vide cheque no. 484832 dated 21<sup>st</sup> May, 2012 was made. Counsel for the respondent submits that the same cheque has been encashed by the petitioner. It is submitted that the petitioner has also filed petition before the Division Bench challenging the order dated 31<sup>st</sup> May, 2012.

In view of the fact that payment has been made to the petitioner, this Court finds that no

case for contempt is made out against the respondent.

Contempt petition is dismissed.

Notice issued against the respondent stands discharged.

**(V.K. Bist, J.)**

**31.07.2013**

NCM: