

Hon'ble Sharad Kumar Sharma, J.

(Via Video Conferencing)

List revised. None appears for the petitioner even in the revised call to assist the Court. Mr. J.S. Bisht, Standing Counsel, is present for the State of Uttarakhand.

Since being a Contempt Petition, it cannot be dismissed for want of prosecution, hence it is being proceeded to be decided on its own merit.

The petitioner has filed this Contempt Petition on 13th June, 2016, alleging thereof that the order dated 28th September, 2015, as was passed by the Writ Court in Writ Petition No.413 of 2015 (S/B), Sanjeev Kumar Mishra Vs. Principal Secretary, Peyjal, Government of Uttarakhand and another, and the order dated 3rd March, 2016, as was passed in Civil Contempt Petition No. 43 of 2016, had not been complied with.

If the judgment, which is sought to be enforced is taken into consideration, para 4 of the judgment of the Division Bench dated 28th September, 2015, had, in fact, directed the respondent No.1, to take a decision on the representation of the petitioner, within a period of two months, as per law.

Notices were issued by the Coordinate Bench of this Court to the respondents on 14th June, 2016, and in response thereto, the respondents had filed the compliance affidavit on 15th July, 2016. In the compliance affidavit thus filed, the respondents had placed on record the Office Memorandum dated 30th June, 2016 and 8th July, 2016, by virtue of which, a communication has been made to the petitioner, that the decision has been taken by them.

A reference may be had to para 4 and 5 of the response affidavit, which is quoted hereunder :-

“4. That in compliance of the order of the Hon’ble Court, the petitioner has been given notional promotion by order dated 30.06.2016 (Annexure-1) on the post of Executive Engineer from the date (i.e. 29.9.2004) his junior Shri Anvar Saleem Ansari was promoted to the said post and accordingly the petitioner has been given notional promotion by order dated 08-7-2016 (Annexure-2) on the post of Superintendent Engineer from the date (i.e. 30-11-2012) his junior Shri Anvar Saleem Ansari was promoted to the said post of Superintendent Engineer.

5. Thereafter in compliance of the order dated 28-9-2015 passed by the Hon’ble Court in Writ Petition No.413 (SB)/2015, the answering respondent has decided the representation dated 14-7-2015 (i.e. Annexure-1 of writ petition no. 413 (SB)/2015 of the petitioner by office memorandum dated 11-7-2016. Copy of office memorandum dated 11-7-2016 is being filed herewith and marked as Annexure no.3 to this compliance affidavit.”

In view of the said averments made in the compliance affidavit, in fact, the decision on the representation has already been taken by the respondents.

Consequently, the Contempt Petition is closed. Notices issued to the respondents are hereby discharged.

(Sharad Kumar Sharma, J.)

Dated 28.11.2020

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