

23.10.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

ORAL : HON'BLE JUSTICE PRAFULLA C. PANT, C.J.,

Shri BK Deb Roy, Advocate, present for the writ petitioner.

Shri SC Shyam, Sr. Advocate, present for the respondents.

Heard.

By means of this contempt petition, the writ petitioner has complained disobedience of order dated 22.09.2011, passed in WA No. 50(SH) 2010, whereby a direction has been issued to the respondent authorities to give appropriate rank and pay-scale to the petitioner as per the recommendation of the Fifth Pay Commission and Office Memorandum dated 22.01.1998.

Notices were issued to the respondents, in response to which, a Misc. Application No. 131 of 2013 along with an affidavit has been filed on behalf of the respondents explaining that the order dated 22.09.2011 has already been complied with. It is further stated in the paragraphs 7 and 8 of the affidavit that the writ petitioner has been given promotion and also the revised pay-scale.

In view of the affidavit filed by Lt. Col K Rajasekar, on behalf of the respondents in the Misc. Case No. 131 of 2013, this Court is of the view that there appears no wilful disobedience on the part of the respondent No. 1 Shri Raj Kumar Singh, Secretary to the Government of India and respondent No. 2 Lt. General Rameshwar Roy, Director General Assam Rifles, of the order dated 22.09.2011 passed in the WA No. 50(SH) 2010.

Therefore, notices issued in the contempt petition are discharged.

The contempt petition stands disposed of with the observation that if the writ petitioner has any fresh cause of action, he may avail remedy available to him under the law.

JUDGE
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

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