

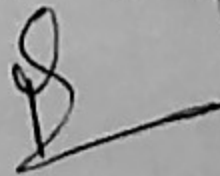
2.5.2008

Hon'ble Mrs. Meera Chhibber, J.M.
Hon'ble Mr. N.D. Dayal, A.M.

None for the applicant even in the revised call. This matter was listed on 1.5.2008 when the respondents have stated that he tried to serve a copy of the counter to the applicant's counsel but he refused to take the same. Accordingly the counter was taken on record. The case was listed for today, but even today none is present for the applicant.

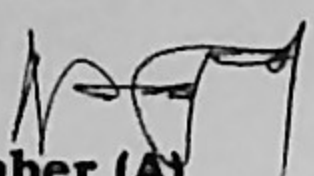
In the Judgment dated 5.8.2005 it was categorically mentioned that the applicant is pressing only relief paragraph 8 (viii) and paragraph No. 8 (iv). As per paragraph No. 8 (viii) is concerned it was observed that the same does not survive for relief 8 (iv) respondents were directed to pass suitable order in accordance with rule.

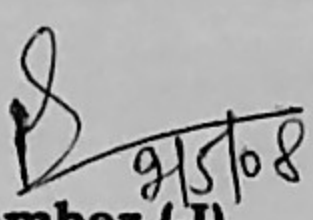
In the counter affidavit it is seen that respondents have written letter dated 18.10.2005 by Speed Post to the Nagar Ayukta requesting him to furnish relevant document of Sri Tara Chand Dwivedi but they did not furnished the relevant documents. Since no reply was given, the respondents sent their officer personally to Nagar Nigam and brought the information from there. The Commissioner (Personnel) wrote a letter on 05.12.2005 with regard to Sri Tara Chand Dwivedi informing the Assistant Director to seek the desired information from the Development Authority. Accordingly another letter was written to the Secretary, Kanpur Development Authority vide letter dated 13.12.2005 for seeking verification of his service from 08.10.1959 to 08.11.1960. However, they informed vide their letter dated 12.01.2006, that it is not possible to verify the period as mentioned in the earlier letter. Accordingly respondents issued letter dated 22.05.2006 to the applicant informing him that the department has been closed, therefore, service record of period aforementioned could not be obtained despite their best efforts. However, interest of Rs.3,389/- which was deducted earlier has been paid to him by cheque. It is also stated that the work regarding payment of leave salary is under scrutiny and will be informed in this regard at the earliest. He has also explained in paragraph No. 17 that order dated



19.09.2006, which was passed by the department for payment of leave salary, the details of leave are given in the order but on confirmation from SISI, Allahabad where he was previously posted, it was come to notice that his salary from 01.04.1984 to 31.01.1990 has been paid and his services were also verified on the basis of pay bills as informed by Director SISI, Allahabad vide letter dated 13.10.2006. As per medical certificate from 01.02.1990 to 25.07.1991 they have stated the same is not admissible under the Rules therefore no payment for such period has been made and recoveries of HPL for 236 and EOL for 50 days were also made.

Since applicant has neither appeared in the Court and he also refused to take the counter filed by the respondents' counsel we have no other option but to close the Contempt Petition. However, liberty is given to the applicant that in case he is still aggrieved by order passed by respondents, he may take recourse to his remedy on the original side.


Member (A)


Member (J)

RKM/