

IN THE HIGH COURT OF MADHYA PRADESH

BENCH AT GWALIOR

Contempt Petition (Civil) No. 2067 of 2022

PETITIONER :

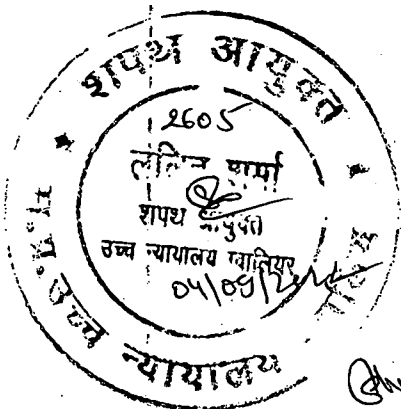
Presented on 8/09/22
by... Devesh Sharma...

Sharma
Presentation Assistant

1. Gauri Shankar S/o Late Shri Balram Jatav, Aged 52 Years, Occupation- Handpump Mechanic R/o Baljipuram, Lal tipara, morar, Gwalior (M.P)
2. Balram S/o Late Shri Sukhwasi, Aged- 52 Years, Occupation- Handpump Mechanic, R/o Village Dangpurana ka pura, gohad, Bhind (M.P)
3. Mansharam S/o Late Shri Maniram, Aged- 53 Years, Occupation- Handpump Mechanic, R/o A block, bhero colony, morar, Gwalior (M.P)
4. Fateh Singh S/o Late Shri Gayaram, Aged- 63 Years, Occupation- Retired Handpump Mechanic, R/o Madhuban vihar colony, morar, Gwalior (M.P)

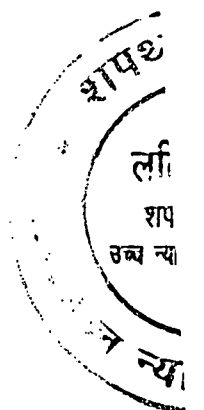
Versus

RESPONDENTS:



लेनिन नगर
शपथ आयुक्त
उच्च न्यायालय ग्वालियर

1. Shri Malay Shrivastava, Principal Secretary, Public Health Engineering Department, Vallabh Bhawan, Bhopal (M.P)
2. Shri K.K.Songiriya, Engineer in Chief, Public Health Engineering Department "Jal Bhawan" Baan Ganga, Bhopal (M.P)
3. Shri P.K. Medamwar, Chief Engineer, Public Health Engineering Department, Near Water tank, Morar, Gwalior (M.P)



4. Shri R.K. Singh, Executive Engineer,
Public Health Engineering
Department, Division Bhind (M.P)

Contempt Petition Under section 10 and 12 of the Contempt of Court act 1971 read with article 215 of the Constitution of India against Noncompliance of the order dated 22/07/2021 passed by Hon'ble Shri justice Vishal Mishra in Writ Petition. No 8880/2016. (Annexure P/1)

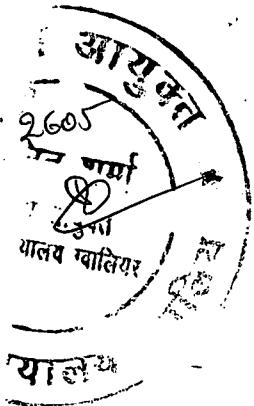
May it please this Hon'ble Court,

The humble petitioner most humbly submits the memo of petition as under :-

1. That, the petitioners were appointed as daily wages to the post of Handpump Mechanic in the respondents department on 1989-1990.
2. That, the petitioners were classified to the post of Handpump Mechanic by the respondents vide order dt. 30/07/2005.

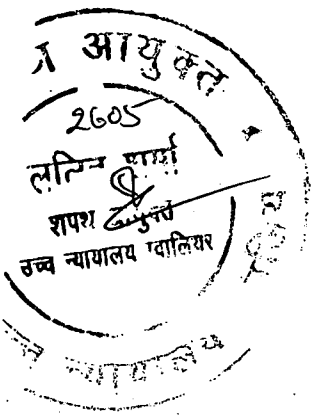
S.N	Name of Employees	Date of appointment	Date of classification	Post of employees
46	Gauri Shankar	18/10/1989	01/07/1990	Handpump Mechanic
47	Mansharam	01/12/1989	01/08/1990	Handpump Mechanic
49	Fateh Singh	01/11/1990	01/07/1992	Handpump Mechanic
50	Balram	01/11/1990	01/07/1991	Handpump Mechanic

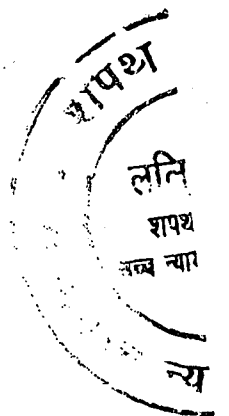
3. That, the respondents cancelled the classification order of the petitioners vide order dt. 03/12/2016. Thereafter, the petitioners filed W.P/8880/2016 against impugned order of respondents and pay scale and arrears of salary from the date of their classification. The Hon'ble Court allowed the writ petition of the petitioner in the light of judgement **Ram Naresh Rawat (Supra)** vide order dt. 22/07/2021. (Annexure P/1)





4. That, the petitioners have submitted representation to the respondents on 14/07/2022. A Copy of representation is contained, enclosed herewith annexed and marked as **Annexure P/2.**
5. That, the petitioner's counsel again sent Legal Notice to authority to make compliance the order of Hon'ble writ court on 22/08/2022. The Copy of the Legal notice of counsel is contained enclosed herewith annexed and marked as **Annexure P/3.**
6. That, Head of the department has issued circular to make payment to all classified employees and approved fund on 22/10/2021. But, officers/law clerks of department chose employee to make payment. They don't obliged order of writ court and make delay to payment of employees. A copy of order of circular is contained enclosed herewith and marked as **Annexure P/4.**
7. That, it is very useful to mention here that, after having full knowledge of the order of this Hon'ble Court, the respondents are not complying with the orders of this Hon'ble Court. It is duty of respondents to comply with the order passed by this Hon'ble Court to that effect. The respondents are duty bound to obey the order passed by this Hon'ble Court, but the respondents are not paying any heed to the order of this Hon'ble Court. The inaction of the respondents in not complying the order of this Hon'ble Court and not making payment of minimum pay scale to the petitioner, as aforesaid is a deliberate and willful disobedience of a lawful order and within the purview of Contempt of the Hon'ble Court which is punishable under Contempt of Court Act.
8. That, it is surprisingly, the law has been settled by the Hon'ble Apex Court in the case of **Ram Naresh Rawat 2017 (3) SCC 436.** Thereafter, the bunch of writ petition connecting with writ petition/4018/2020 Kamta Prasad (Supra) was decided on dt. **26/08/2021** by this Hon'ble Court. Thereafter, the respondents deliberately ignored judicial order in the favor of the petitioners.





9. That, the act of the respondents, while not taking any action for making, compliance, it is unfair on the part of respondents and it is stated that they intentionally disobey the orders of this Hon'ble Court. That, the petitioner has no other forum than approaching this Hon'ble Court Article 215 of the Constitution of India, because the respondents have knowingly and deliberately not complying the order of this Hon'ble Court.
10. That, it is respectfully submitted that No SLP is pending before any of the Hon'ble Court against the order dated 22/07/2021 passed in W. P/8880/2016.
11. That, the petitioners craves liberty to amend, alter and add to the ground at the time of the hearing.

PRAYER

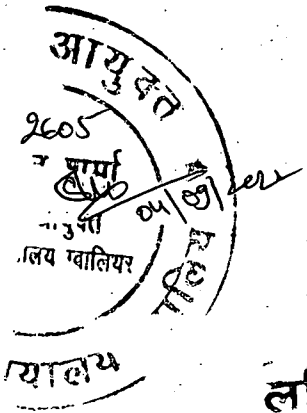
It is, therefore, humbly prayed that this contempt petition kindly be allowed and respondents be directed to comply the orders dated 22.07.2021 passed by this Hon'ble Court in W.P.No. 8880/2016 and respondents kindly punished suitably for not compliance the order of this Hon'ble Court in the interest of Justice.


Date: 04/09/2022

Place : Gwalior

Humble Petitioner
Gauri Shankar
Through Counsel


Devesh Sharma
(Advocate)




ललित शर्मा

शर्मा आयुक्त
न्यायालय ग्वालियर

शपथ
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