

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.232 of 2015

In

Civil Writ Jurisdiction Case No. 22858 of 2013

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Sunder Mandal son of late Bilat Mandal, R/o village-Bhawanpur, P.O. and
P.S. Parihar, District-Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through Mr. R.K. Mahajan, Principal Secretary,
HRD Department, Bihar, Patna.
2. Mr. Sridhar, Director, Primary Education, Government of Bihar,
Patna.
3. Dr. Pratibha, District Magistrate-Cum-Collector, sitamarhi.
4. Mr. Id. Mohammad, District Panchayat Raj Officer, Sitamarhi.
5. Mr. Lal Babu Paswan, Block Development Officer-Suppi, District-
Sitamarhi.
6. Mr. Naresh Kumar, Block Development, Officer Pupari, District-
Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh

For the Respondent/s : Mr. Gp25 Manikant Mishra

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

6 16-09-2015

Heard the learned counsel for the petitioner.

The petitioner has prayed for initiation of a contempt
proceeding against the respondents alleging willful and deliberate
violation of the order dated 09.09.2014 passed in C.W.J.C. No.
22858 of 2013 and further to direct the respondents to comply the
order dated 09.09.2014 in its true spirit.

The petitioner was a Panchayat Sevak and had filed



C.W.J.C. No. 22858 of 2013 alleging that he was not paid the arrears of salary of February 2009 and thereafter since June 2009 upto date. By order dated 09.09.2014, the aforesaid writ application was disposed of with the direction to the respondent-District Magistrate to pass appropriate order on the claim of the petitioner in accordance with law preferably within a period of two months from the date of receipt/production of a copy of this order. It was further directed that in case the legal entitlement of the petitioner over the dues as claimed was found, the same was to be paid expeditiously but in case of conclusion otherwise, the District Magistrate was directed to dispose of the pending representation by speaking order within the aforesaid period.

The petitioner has filed the present petition for initiating the contempt proceeding alleging that in spite of the application filed by the petitioner, the respondent District-Magistrate or any other respondent has not taken steps in compliance to the direction of this Court as contained in the order dated 09.09.2014.

The respondents have filed their counter affidavits stating that in compliance to the direction of this Court in the order dated 09.09.2014, the notice was issued by the District Magistrate to the petitioner for hearing on 07.11.2014. It has been further



stated that the petitioner did not appear before the respondent-District Magistrate who passed the order on 13.02.2015 (annexed as Annexure-K to the counter affidavit filed by the respondent no. 3 and 6) on the basis of the reports and materials. It has been further stated that the total dues of the petitioner was found to be Rs. 1163228/- but the amount of Rs. 649500/- and Rs. 139200/- were also found outstanding against the petitioner, and after the adjustment of those amounts, the remaining amounts of Rs. 342474/- and Rs. 32854/- have been paid to the petitioner. It has, thus, been stated by the respondents that there has been no violation of the direction of this Court in any manner.

During the course of submission, the learned counsel for the petitioner has accepted that the amount of Rs. 342474/- and Rs. 32854/- have been received by the petitioner. The learned counsel for the petitioner, however, has submitted that the petitioner is also entitled to the remaining amount which should have been paid to the petitioner.

After considering the submissions and the materials on record, it is manifest from the order dated 13.02.2015 (Annexure-K) that the respondent-District-Magistrate in compliance to the direction of this Court has passed the order directing for payment of the dues of the petitioner after making

adjustment of the amount which had been taken by the petitioner by way of advance under different schemes. From the letter dated 09.04.2015 (Annexure-J to the counter affidavit of respondent nos. 3 and 6) and also from the averments made in the counter affidavits of the respondents, it is further transparent that the amount of Rs. 649500/- and Rs. 139200/- has been found outstanding in the hands of the petitioner and after the adjustment of the said amount, the remaining amount has been paid to the petitioner. It is well settled by now that no order or direction supplemental to what has already been expressed in the order, can be issued by the court exercising jurisdiction under the domain of contempt law. This Court is satisfied that the direction as contained in the order dated 09.09.2014 has been fully complied by the respondents. Accordingly, this Court does not find any merit in the prayer of the petitioner to initiate a contempt proceeding against the respondents. The petitioner is at liberty to seek redressal of his grievances, if any, in accordance with law.

The contempt petition is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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