

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.154 of 2015

IN

Civil Writ Jurisdiction Case No. 1881 of 2013

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M/s Subhodoy Agency, Authorized Dealer of Medicine Instruments etc. having office at Akhara Ghat Road , opp. T.S. Dharamshala, Muzaffarpur-842001, Bihar through its proprietor Sr. Ravi Shankar Prasad Gupta @ Ravi Shankar son of Mithilesh Prasad Gupta

.... Petitioner/s

Versus

1.The State of Bihar

2. Dr. Gajendra Kumar Singh, Civil Surgeon cum Member Secretary, District Health Society, Samastipur.

.... Contemnors/ Opp. parties.

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Appearance :

For the Petitioner : Mr. Subroteswar De

For the State : AC to GP-10.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 16-09-2015

Heard Mr. Subroteswar De for the petitioner and AC to GP-10 for the State.

A show cause has been filed on behalf of the opposite party no.2.

The application alleges wilful disregard/disobedience of the order dated 17.09.2013 passed in CWJC No. 1881 of 2013, the operative part whereof is extracted hereinbelow:-

“Let the petitioner file a fresh application annexing therewith all relevant documents in his possession ventilating the aforesaid grievance before the respondent Civil Surgeon-cum Member Secretary, District Health Society, Samastipur (respondent no.2) within three weeks. Once such an application/representation is filed the respondent no.2 shall consider the same and authorize the admissible dues in favour of the

petitioner within a maximum period of two months therefrom. In case any of the claim of the petitioner is not held sustainable the said respondent shall apprise the petitioner reason(s) therefor within the aforesaid time.”

Copy of the cheque drawn in favour of the petitioner for a sum of Rs. 50,000/- (Fifty thousand) as tentative payment towards the claim of the petitioner for having supplied the medicine has been enclosed as Annexure-C. The Civil Surgeon has passed an order contained in memo no. 1451 dated 14.9.2015 (Annexure-D) wherefrom it appears the genuinity of the claim of the petitioner has been found doubtful. Certain documents which ought to have been enclosed by the petitioner in order to legally claim payment were not filed. The Civil Surgeon has, therefore, directed the petitioner to furnish the relevant details or the explanation(s) enabling him to examine his claim for the remaining outstanding dues, if any, and pay the same. It has been submitted on behalf of the respondent State that the order (Annexure-D) should be construed as the reasons communicated to the petitioner for not paying the entire dues as claimed by it. This Court had given the said liberty to the respondents of the writ petition in the order.

The petitioner may clarify the facts before the Civil Surgeon-cum Member Secretary, District Health Society (opp. party no.2) in the light of the communication contained in Annexure-D.

Regard being had to the above, in my view, the present contempt application does not merit to be further pursued. It is, accordingly, dismissed.

(Kishore Kumar Mandal, J)

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