

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2997 of 2014

In
Civil Writ Jurisdiction Case No. 23414 of 2012

M/s P.K.R. Enterprises through its Proprietor, Pramod Kumar Rai S/o Sri Jagdish Rai Resident of Village + P.O. Mohanpur, Via Kashipur, P.S. Samastipur (Mu), District Samastipur.

.... Petitioner/s

Versus

1. The Union of India through Sri Madhuresh Kumar, General Manager, East Central Railway, Hajipur.
2. Sri Arun Mallic the Divisional Railway Manager (Engg.) East Central Railway, Samastipur.
3. Sri Mahbub Alam, the Divisional Engineer (Co-ordination) East Central Railway, Samastipur.
4. S.H. Ansari, the Senior Section Engineer (work) North, East Central Railway, Samastipur.
5. Sri Shil Ashish, the Senior Divisional Finance Manager, East Central Railway, Samastipur.
6. Sri Vir Singh, the Assistant Town Engineer East Central Railway, Samastipur.
7. Sri Amrendra Kumar, the Junior Engineer (works) North, East Central Railway, Samastipur.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Asha Kumari

For the Respondent/s : Mr. Mahesh Prasad

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 29-07-2015 Heard counsel for the petitioner and Mr. Abhimanyu Deb
for the respondent-Railways.

The application alleges willful/deliberate
disregard/disobedience of the order dated 27.06.2013 passed in
CWJC No. 23414 of 2012 (Annexure-1) operative part/portion
whereof reads as under:-

“Having heard the parties, this Court disposes

of the present application by the following order:-

In the facts and circumstances of the case, the writ application is disposed of with a direction to the respondent authorities to consider the claim of the petitioner with respect to different work orders mentioned in paragraph No.1 (ii) of the writ petition and dispose of the same by a speaking order within a period of two months from the date of receipt/production of a copy of this order and thereafter whatever amount is found due and payable, the same should be paid to the petitioner within a further period of six weeks thereafter. In case any measurement is required to be made, the same must be done in the presence of the petitioner or its authorized representative.”

Counsel for the opposite party has drawn attention of the Court to Annexure-2 of the contempt application in order to submit that in the light of the order passed by this Court a reasoned order has already been passed denying the claim of the petitioner by the Divisional Railway Manager (Engg) Samastipur.

Learned counsel for the petitioner has tried to dispute the correctness of the said order by submitting that measurement was not done in presence of either the petitioner or the authorized

representative. Conversely, counsel for the Railways has drawn attention of the Court to the order wherein it has been noted that adequate opportunity was given to the petitioner for joint measurement of the work but the same was not utilized. The petitioner was completely non-cooperative.

Considering the order which this Court passed on the writ petition and the order which the opposite party passed as contained in (Annexure-2), in my view, the order passed on the writ petition has been complied with substantially.

The contempt application merits to be dismissed.

I order accordingly.

The petitioner, if so advised, may challenge the correctness of the said order before appropriate forum/authority in accordance with law.

(Kishore Kumar Mandal, J)

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