

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.5519 of 2012

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1. Santosh Mohan S/O Late Bishwanath Das R/O Village - Havibhawar,
P.S. Bahera, District - Darbhanga

.... Petitioner/s

Versus

1. Mr. Afzal Amanullah, the Principal Secretary, Department Of Industry,
Govt. Of Bihar, New Secretariat (Vikash Bhawan), Patna
2. Mr. Shailesh Thakur, Director, Department Of Industry Govt. Of Bihar,
New Secretariat, Patna
3. Mr. Braj Nandan Prasad, Managing Director, Bihar State Handloom And
Handicraft Corporation Ltd., Industry Bhawan, Patna
4. The State Of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Laxmi Narayan Das,
Mr. Dharendra Narain Mallik, Advocates
For the Respondent/s : Mr. Sudhir Kumar, AC to AAG2

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

12 13-08-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has earlier moved before this Court
vide C.W.J.C. No.9140 of 2008 and this Court vide order
dated 1.10.2010 disposed of the aforesaid writ petition with
a direction to file representation and direction was given to
the Officer concerned to pass a reasoned order.

As per the claim of the petitioner when State has not
passed any reasoned order which compelled to file the
present contempt application. The State authority vide letter
3458 dated 14.8.2014 rejected the claim of the petitioner

holding that he is not entitled to the benefit of pension.

Learned counsel for the petitioner submits that petitioner was all along in service of the State of Bihar and for certain period he was on deputation to Handloom Corporation and as such he cannot be deprived from pension which is disputed by the learned counsel for the State. As per learned counsel for the State earlier petitioner was employed of the State Government but later on he was transferred and absorbed by the Corporation. So his relationship as master and servant was swapped after his absorption by the Corporation.

The aforesaid issue cannot be gone into in the present contempt application. Accordingly this contempt application is dismissed with a liberty to the petitioner, if so advised, he may challenge the order in a proper proceeding.

(Shivaji Pandey, J)

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