

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1742 of 2013

IN

Civil Writ Jurisdiction Case No. 2297 of 2012

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Kedar Paswan, aged about 63 Years, son of Late Prabhu Paswan, resident of village Eru, P.O. Sahiya, P.S. Wazirganj, District Gaya.

.... Petitioner.

Versus

1. The State of Bihar through Mr. Deepak Kumar, Secretary, Personnel Reforms Department, Government of Bihar, Patna.
2. Mr. R.K. Khandelwal, Divisional Commissioner, Magadh Division, Gaya.
3. Smt. Vandana Priyasi, the District Collector, Gaya.
4. Sahab Ahmad, the Block Development Officer, Paraia Block, Gaya.

.... Contemnors/Opposite Parties.

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Appearance :

For the Petitioner : Mr. Virendra Prasad, Advocate.
For the State : M/s. Gautam Bose, AAG-VIII, Sanat Kumar Mishra, AC
To AAG-VIII and Sanghamitra Ghosh, AC to AAG-VIII.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 19-02-2015

The present contempt application has been filed asserting the non compliance of the order dated 29.03.2012 passed in C.W.J.C. No.2297 of 2012, whereunder the said writ application of the petitioner was disposed of with the following observation:

“The petitioner is permitted to file a fresh representation/supplement his earlier representation. The District Magistrate is required to examine his claims in accordance with law. If the District Magistrate is of the opinion that the petitioner is not entitled to certain reliefs, he is obliged to inform the grounds in

writing to the petitioner and give him an opportunity to meet the same, grant a personal or representative hearing and then pass a reasoned and speaking order in his presence, all within a maximum period of three months from the date of receipt/presentation of a copy of this order.

Needless to state that if the respondents find justification in the claim or in any part of the claim, necessary consequential orders shall be passed simultaneously including payment of arrears of salary, pension and issuance of revised pension payment order, all within the same period.”

2. Learned AAG-VIII, appearing on behalf of the State, submits that in compliance of the order dated 29.03.2012 passed in C.W.J.C. No.2297 of 2012, which is under contempt, the opposite party no.3, District Magistrate/Collector, Gaya, disposed of the representation of the petitioner on 08.06.2013, which would appear from Annexure-‘A’ to the show cause filed on behalf of the opposite party no.4, the Block Development Officer, Paraiya, Gaya, and the Collector-cum-Chairman, Screening Committee, Gaya, passed the order for sanction of 1st A.C.P. and 2nd A.C.P. of the petitioner as well as his Junior Selection Grade Scale but the benefit of time bound promotion was not allowed to him being not admissible under law and the amount dues was also paid to the petitioner and the revised

pension has also been sanctioned by the office of Accountant General (A & E), Bihar, Patna, which would appear from paragraphs-4 to 7 of the show cause filed on behalf of the District Magistrate, Gaya, today.

3. Since the order under contempt has already been complied with, no further action is required to be taken against the concerned opposite party(s). Accordingly, this contempt application stands disposed of. However, if the petitioner has any grievance in any manner, he may take recourse before the appropriate forum in accordance with law.

(Rajendra Kumar Mishra, J)

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