

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.6036 of 2013

In

Civil Writ Jurisdiction Case No. 12373 of 2006

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Dwarika Prasad Singh Son Of Late Bangali Singh Resident Of Shivpuri
Colony Road 5, Katari Hill, P.S. Chandauti, District Gaya.

.... Petitioner/s

Versus

1. The State Of Bihar Through Its Shri Sanjay Kumar Health Secretary Cum
Commissioner Bihar Patna
2. Dr. Surendra Prasad, Director Health Services, Bihar Patna
3. Shree Krishna Balabh Prasad Singh Chief Medical Officer Cum Civil
Surgeon, Gaya
4. Shree Trivuan Prasad In Charge M.O. Town Block Gaya
5. Accountant General Ii (A And E), Bihar Patna .

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

2 17-03-2015 Heard learned counsel for the parties.

Having regard to the very limited nature of the order passed by this Court on 26.08.2010 in the connected writ application being C.W.J.C No. 12373 of 2006, wherein, despite absence of learned counsel for the petitioner, this Court had noted grant of promotion to the petitioner in the super time scale and had accordingly directed for pay fixation, whereafter such pay fixation was made and as a result thereof the petitioner's retirement benefit also get enhanced as would be apparent from reading of the letter of the Incharge Medical Officer, Gaya bearing letter no. 326 dated 20.06.2012, the remaining issue as to whether such pay fixation in the super time scale was rightly granted in accordance with the guideline of Finance Department,

cannot be adjudicated in contempt jurisdiction. The petitioner in fact thereafter had filed another writ petition which he now claims to have only for grant of the selection (Prawar Koti). If that was the reason for the petitioner and he did not choose to assail the order of pay fixation in super time scale in the writ petition filed in the year 2009, he cannot now at least claim the same in this contempt petition, because there was no direction in the connected writ petition to pay salary to the petitioner in a particular pay scale. Admittedly the petitioner was given the benefit of super time pay scale by way of pay fixation and also enhancement of his retirement benefit and that should be the end of the matter so far it relates to compliance of the earlier order of this Court.

That being so, this application is wholly misconceived and is, accordingly, dismissed.

Nothing said in this order, however, will come in the way of the petitioner in seeking appropriate remedy as may be available to him in law.

(Mihir Kumar Jha, J)

Ranjan/-
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