

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4542 of 2014

In

Civil Writ Jurisdiction Case No. 13185 of 2014

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Dr. Rakesh Nandan Singh, son of Late Shailendra Prasad Sinha, resident of village- Saradiha, Police Station- Simari Bakhatiarapur, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Harjot Kaur, father's name not known, Department of Animal and Fish Resources, Govt. of Bihar, Patna.
2. Sri Kanhiya Prasad Shrivastava, father's name not known, Deputy Secretary, Department of Animal and Fish Resources, Govt. of Bihar, Patna.
3. Dr. Dharmendra Singh, the then Regional Director, Animal Husbandry Central Range, Patna.

.... Opp. Party/s

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh
Mr. Vijay Bharti

For the Opp. Party/s : Mr. Krishna Chandra, AC to AG.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 07-01-2015

Heard the parties.

The petitioner has filed the present application under Article 215 of the Constitution of India read with Sections 11 and 12 of the Contempt of Courts Act, 1971, raising grievances that the opposite parties herein have deliberately flouted the order and direction dated 10.10.2014 passed in C.W.J.C. No. 13185 of 2014 by this Bench and thereby they have committed the contempt of this Court and are liable to be punished under the provisions of the Contempt of Courts Act, 1971.

A show cause has been filed on behalf of the opposite party no. 1 to 3 stating therein that in compliance of the aforesaid order dated 10.10.2014 (Annexure-1), representation filed on behalf of the petitioner was considered and, accordingly,



a fresh notification dated 12.12.2014 (Annexure-A to the show cause) has been issued under the signature of the Deputy Secretary, Department of Animal Husbandary and Fish Resources, Government of Bihar, Patna, whereby the petitioner has been transferred from the post of Assistant Director (General) in the office of Regional Director, Patna to the post of General Manager, Central Poultry Farm (Zone), Patna. It has also been stated that in compliance of the aforesaid notification, the petitioner had given his joining on 12.12.2014 and is now, discharging his duty there at the place of his posting.

Mr. Bindhyachal Singh, learned counsel appearing on behalf of the petitioner has raised his apprehension that since by notification dated 30.06.2014 the petitioner was transferred from the post of Assistant Director, Regional Directorate, Patna to the post of Veterinary Surgeon, Madhepura, but that order was directed to be kept in abeyance by order dated 10.10.2014 (Annexure-1) yet joining of the petitioner was not accepted on the post of Assistant Director, Regional Directorate, Patna, hence, the petitioner may be denied salary for the interregnum period.

Mr. Krishna Chandra, learned A.C. to learned Advocate General appearing on behalf of the opposite parties submits that since by notification dated 12.12.2014 (Annexure-A to the show cause) the petitioner has been transferred from the post of Assistant Director (General) to the post of General Manager, Central Poultry Farm (Zone), Patna, therefore, his apprehension does not appear to be correct. According to him, the matter shall be considered sympathetically by the competent authority and legitimate salary shall be paid to the petitioner.

In view of the fair stand taken by the learned State counsel, this Court is of the opinion that no case of contempt is made out against the opposite parties. Since the petitioner is going to superannuate from service on 31st January, 2015, it is expected that on demand being made by him, the competent authority shall take final decision regarding payment of arrears of his salary for the interregnum period without any unnecessary delay.

The present application stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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