

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.5165 of 2013

In

Civil Writ Jurisdiction Case No. 2015 of 2003

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Ahilya Sinha, Wife of Late Dr. Ksirhna Kumar Sinha, presently residing at
New Area behind Mahila College, District- Nawada, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Deepak Kumar, Health Commissioner-cum-Secretary, Health
Department, Patna.
3. Sanjay Kumar, Joint Secretary to the State Government Department of
Health, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate.

For the Respondent/s : Mr. P.N. Sahi, AAG 10.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 21-01-2015

Heard learned counsel for the parties.

2. The grievance of the petitioner in this case is wholly
confined to non-consideration of grant of time bound promotion of
her husband despite a direction issued by this Court in the order
dated 26.07.2010 in C.W.J.C. No. 2015 of 2013.

3. Learned counsel for the opposite parties, having
produced a statement of fact, contained in memo no. 104(3) dated
28.02.2014, has submitted that the case of the petitioner was
already considered and it was found that her husband, in view of
the decision taken on 28.05.2005, was already given the time
bound promotion with effect from 01.04.1991. To that extent, he
relies on paragraph 4 and 5 of the statement of fact which reads as

follows:

"4. That vide letter no. 468(3) dated 28/05/2005 the deceased husband of the petitioner was granted his first time bound promotion since 01/04/1991 and his claim to count the period served in Zila Parishad for grant of time bound promotion has been rejected. (A copy of the letter no. 468 (3) dated 28.05.2005 is annexed herewith and is marked as ANNEXURE a.)

5. That in view of the above fact the order of this Hon'ble Court has already been complied with and hence the contempt proceedings deserve to be dropped."

4. As is apparent from the copy of the aforementioned order dated 28.05.2005 enclosed with the statement of facts the husband of the petitioner had already been given time bound promotion w.e.f. 1.4.1991. This Court therefore fails to understand that if such decision had already been taken on 28.05.2005, how a counter affidavit was filed stating that the case for grant of time bound promotion to the husband of the petitioner was under active consideration unless such counter affidavit was filed prior to 28.05.2005 in the aforementioned writ application, C.W.J.C. No. 2015 of 2013.

5. In any event, when there was a direction to the authorities to examine the claim for grant of time bound promotion of her husband and take a final decision within a period of six months such final decision was to be also necessarily communicated to the petitioner. Admittedly, that has not been done as is apparent from the aforesaid statement of fact itself.

6. Thus, this Court, in stead of keeping this contempt

application pending would direct the Principal Secretary of the Health Department to ensure that a communication with regard to grant of time bound promotion of the husband of the petitioner be communicated to the petitioner within a period of one month from today.

7. With the aforementioned observation and direction, this contempt application is disposed of.

(Mihir Kumar Jha, J)

Sujit/-

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