

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2992 of 2014

In

Civil Writ Jurisdiction Case No. 3498 of 2005

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1. Jivendra Jha S/o Late Shobha Nand Jha Resident of Village Ram Nagar,
P.O. Politechnic, P.S. Maranga and District Purnea.

.... Petitioner/s

Versus

1. Bihar State Co-operative Marketing Union Ltd. through its Chairman,
namely Dr. Sunil Kumar Singh.
2. R.P. Singh, Managing Director, Bihar State Co-operative Marketing
Union Ltd. Biscomaun Bhawan, Patna.
3. Sanjiv Lochan Mishra, Financial Controller, Bihar State Co-operative
Marketing Union Ltd., Biscomaun Bhawan, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mohammed Abu Haidar

For the Respondent/s : Mr. Ashish Giri

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

6 04-03-2015 Pursuant to the order of this Court dated 18.2.2015, the

Opposite parties, namely, Sunil Kumar Singh, Sri S.K. Choudhary
(the present Managing Director of Biscomaun) and Sri Sanjeev
Lochan Mishra are present. They were directed to be present for
framing of charge under the Contempt of Courts Act, 1971 as I
was, prima facie, of the view that they disobeyed the Court's
order deliberately.

However, Mr. Ashish Giri, learned counsel appearing on
behalf of the Opposite parties has filed a show cause reply on their
behalf stating therein that the order of this Court dated 10.4.2014



passed in CWJC No. 3498 of 2005 has substantially been complied with and two cheques have been issued vide No. 130927 and 130928 worth Rs. 3,20781=00 and Rs. 3,90,609=00 have been issued in favour of the petitioner against his arrears of salary and other allowances including the interest, in compliance of the order. Xerox copies of the cheques have been brought on record by way of annexures and the cheques have been handed over to learned counsel for the petitioner in the Court room.

Learned counsel appearing on behalf of the petitioner, however, submits that the Opposite parties have not supplied him the calculation chart of arrears and calculation of interest thereon.

I have perused the show cause reply filed on behalf of the Opposite parties. In a contempt proceeding, subsequent conduct of the contemnors is a relevant consideration for reaching to a conclusion whether the violation of the Court's order is deliberate or not.

In view of the subsequent conduct of the Opposite parties, substantially complying with the order of this Court, I do not intend to proceed any further in the matter. The show cause reply filed on behalf of the Opposite parties No. 1,2 and 3 is hereby accepted. The contempt proceeding is dropped accordingly.

The petitioner shall be at liberty to approach the Opposite parties raising grievance with respect to payment of arrears, if according to him, any such arrear including interest is still payable in compliance of the order of this Court dated 10.4.2014.

The contempt application is disposed of accordingly.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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