

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.669 of 2013

In

Civil Writ Jurisdiction Case No. 16963 of 2012

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Sangita Kumari W/O Sri Anugrah Narayan Singh, resident of village-
Muzaffarpur, P.S- Sahaar, Distt- (Ara) Bhojpur.

.... Petitioner

Versus

1. The State of Bihar
2. Upendra Kumar Singh, son of not known, District Programme Officer,
Bhojpur, Ara.

.... Opp.Parties.

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr. AC to GP-9

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

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12 19-01-2015

Heard learned counsel for the petitioner and learned
AC to GP-9.

The present petition has been filed with a prayer to
initiate contempt proceeding against Opp.Party no.2 on an
allegation of wilful disobedience to an order dated
27.09.2012 passed in C.W.J.C.No.16963 of 2012. The
petitioner aggrieved by denial of salary had approached the
writ court. However, the writ petition was disposed of with a
direction to the District Programme Officer, who is
Opp.Party no.2 in the present petition, to examine the
grievance of the petitioner and pass a reasoned and speaking
order within a maximum period of four weeks from the date

of receipt and/or production of a copy of the order.

Learned counsel for the petitioner, by way of referring to Annexure-5 of the present petition, submits that after the order of the writ court immediately the said order was communicated to the District Programme Officer. Since no action was taken in compliance with the order of the writ court by Opp.Party no.2, the petitioner was constrained to approach this Court by filing the present petition, which was filed in the month of February, 2013 after serving copy on learned State Counsel.

Learned State Counsel, by way of referring to Annexure-A to the show cause filed on 29th August, 2014, submits that the claim of the petitioner was examined by the District Programme Officer and by a detailed and speaking order the claim of the petitioner has been rejected vide Memo No.3226 dated 21.08.2014. Accordingly, it was submitted that the order of the writ court has already been complied with. On being asked about the reason for delayed compliance of the order, no plausible explanation was made by learned counsel for the State nor any such specific submission has been made either in the show cause or supplementary show cause filed on behalf of Opp.Party no.2.

Learned State Counsel, by way of referring to statement made in paragraph-9 of the supplementary show cause, submits that immediately after the knowledge of the High Court's order, they took action and have not disobeyed the order. The Court is of the opinion that once the writ court had issued direction to Opp.Party no.2 to take decision within specified time, it was mandatory on the part of the concerned Respondent/Opp.Party to comply the same within time fixed by the court unless and until it was extended by this Court. Learned counsel for the State was not in a position to show any order, whereby extension of time was granted nor any specific submission has been made in either of the show causes filed by Opp.Party no.2 regarding delayed compliance of the order. Of course, order of the writ court was for taking decision in the matter by the District Programme Officer and belatedly decision has been taken by way of rejecting the claim, the Court is of the opinion that if the petitioner feels aggrieved with the order passed by the District Programme Officer, she would be at liberty to avail appropriate remedy. However, since the order was not complied with within time fixed by the writ court and the petitioner was constrained to approach this Court by filing

the present contempt petition, the petitioner is certainly entitled to be compensated for unnecessary litigation.

Accordingly, on the ground of belated compliance, the present petition is disposed of with a direction to pay cost of Rs.10,000/- (Ten thousand) to the petitioner, which must be paid within a period of one month from today. The cost amount shall be paid by Opp.Party no.2 and, thereafter, if Opp.Party no.2 feels that delay was caused due to any other official/officials, he would be at liberty to fix responsibility and recover the cost amount from the concerned official, but in any event Opp.Party no.2 is required to pay cost of Rs.10,000/- to the petitioner within one month from today.

With above observation and direction, the petition stands disposed of.

(Rakesh Kumar, J)

NKS/-

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