

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.934 of 2014

In

Civil Writ Jurisdiction Case No. 5881 of 1997

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Shiopujan Baitha S/O Late Morha Baitha Resident Of Mohalla - Adarsh Colony, West Patel Nagar, Post Office - Shastri Nagar, Police Station - Shastri Nagar, District – Patna.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Govt. Of Bihar, Patna
2. Sh. A.K. Singh, Principal Secretary, Department Of Agriculture, Bihar, Patna
3. Sri Sanjay Kumar, Accountant General (A And E), Bihar, Patna

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL ORDER

2 22-06-2015 Heard learned counsel for the parties.

Having regard to the fact that this Court by an order dated 20.03.2013, in M.J.C No. 1346 of 2012 filed by this very petitioner alleging violation of the order of this Court dated 16.05.2011, passed in C.W.J.C No. 5881 of 1997, had held the order of this Court dated 16.05.2011 to be substantially complied, the grievance of the petitioner could have only been examined in this second contempt application, if there was any violation of the observations made in the order dated 20.03.2013 as with regard to extending financial benefit of the promotion to the petitioner w.e.f. 01.04.1989.

Learned counsel for the petitioner however very



fairly submits that the payment of financial benefit of the retrospective promotion given to the petitioner w.e.f., 01.04.1989, in view of the order passed by the Agriculture Production Commissioner, has already been made. He however wants to submit that there were certain errors in the earlier order of the Commissioner giving promotion w.e.f. 01.04.1989 and therefore, the Commissioner is still in contempt.

Learned counsel for the State however rightly points out that once, this Court has already held on 20.03.2013 in M.J.C. No. 1346/2012 the first contempt petition that the earlier order of this Court dated 16.05.2011 in the connected writ petition has been substantially complied, there would be no question of initiating proceeding of contempt as prayed for in this second contempt petition.

In that view of the matter, continuance of this contempt proceeding will be an abuse on the process of the Court. The petitioner, if so, aggrieved by the order of the Commissioner ought to have availed the remedy, as was

available to him in law.

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

(Mihir Kumar Jha, J)

Ranjan/-

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