

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1543 of 2014

In
Civil Writ Jurisdiction Case No. 1247 of 2014

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1. Surendra Yadav, son of Late Jamun Yadav, resident of village- Paschim Azimganj, P.S. Haveli Kharagpur, District- Munger.
 2. Narsingh Tanti, son of Late Kheman Tanti, resident of village- Banvausha, P.S. Kharagpur, District-Munger
 3. Mahadeo Tanti, son of Late Anirudh Tanti, resident of village- Banbarsha, P.S. Kharagpur, District-Munger
 4. Tulsi Tanti, son of Sri Upendra Tanti, resident of village- Banbarsha, P.S. Kharagpur, District- Munger
 5. Yugal Ram, son of Late Mohan Ram, resident of village- Banbarsha, P.S. Kharagpur, District- Munger
 6. Nandji Chaudhary, son of Late Bahoran Chaudhary, resident of village- Kurmautta, P.s. Nautan Bazar, District- Siwan
 7. Dhaneshwar Rai, son of Late Matuhi Rai, resident of village- Jatatari, P.S. Kharagpur, District- Munger
 8. Kailash Rai, son of Late Anoop Rai, resident of village- Babhipurva, P.S. Kharagpur, District-Munger
 9. Sufal Ram, son of Late Bindeshwari Ram, resident of village- Khulthari, P.S. Belhar, District- Banka
 10. Janardan Rai, son of Baleshwar Rai, resident of village- Mohai, P.S. Sarai Ranjan, District- Samastipur
 11. Bhagwat Ravidas, son of Doman Ravidas, resident of village- Khajechak, P.S. Haveli Kharagpur, District-Munger
 12. Bishun Hansda, son of Latho Hansda, resident of village- Motiatari, P.S. Kharagpur, District-Munger.

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Sri Ashok Kumar Sinha, Govt. of Bihar, Patna
2. Sri Arun Kumar Singh, presently posted as the Principal Secretary, Water Resources Department, Government of Bihar, Patna
3. Sri Lakshman Ram, presently posted as the Chief Engineer, Water Resources Department, Bhagalpur

.... Opp.Parties.

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Respondent/s : Mr. AC to SC-8

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

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5 28-01-2015

Heard learned counsel for the petitioners and learned

AC to SC-8.



The present petition has been filed with a prayer to initiate contempt proceeding against Opp.Parties on an allegation of wilful disobedience to an order dated 25.02.2014 passed in C.W.J.C.No.1247 of 2014. By the said order, the writ petition was disposed of with a direction to the Chief Engineer, Water Resources Department, Bhagalpur (respondent no.4) to take final decision in the matter in accordance with law within the specified time.

In this case, a show cause has been filed on behalf of Opp.Party no.3, wherein it has been indicated that in compliance with the order of the writ court, a speaking order has been passed and claim for regularization has been rejected vide order, contained in Memo No.761 dated 12.03.2014.

Learned State Counsel submits that since the order of the writ court has already been complied with, there is no need to pass any positive order in the present matter.

The petitioners in this case have also filed reply to the show cause filed on behalf of Opp.Party no.3. Learned counsel for the petitioners, relying on a recent Judgment of the Hon'ble Apex Court reported in 2014 (2) PLJR 412(SC); Malathi Das Vs. Suresh and Others, submits that rejection of the claim of the petitioner for regularization is itself contemptuous. He submits that the Hon'ble

Supreme Court in similar situation has deprecated the action of the Respondents and held that that it is a contemptuous action.

Besides hearing learned counsel for the parties, I have also perused the materials available on record as well as decision of the Hon'ble Apex Court. The said appeal was preferred against an order passed by the High Court of Karnatka, whereby in contempt proceeding, the High Court had posted the case for framing of charge on the plea that despite the order of the High Court for regularization the case of the petitioners was rejected. In the present case, there was no specific direction to regularize the services of the petitioners, rather the Court had only directed to consider the case of the petitioners and take final decision in accordance with law. Since in compliance with the order of the writ court, final order has already been passed, I do not find any ground to proceed with the matter. The petition stands dismissed.

(Rakesh Kumar, J)

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