

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2779 of 2014

In

Civil Writ Jurisdiction Case No. 3335 of 2008

Prabhu Singh S/o Late Kalyan Singh Permanent resident of E-240, Srinathpuram, P.S.- Mahavirnagar, Kota, Rajasthan at present resident of 301, Anubhuti Apartment, 115, Anandpuri West, Boring Canal Road, P.S.- Buddha Colony in the town and district of Patna.

.... Petitioner

Versus

1. The Union of India

2. Sri Ullash Chandra MOhanty, S/o Brahmand Mohanty, Permanent resident of Village- Keutpal, District- Jagatsinghpur, Orissa at present posted as the Presiding Officer, Debts Recovery Tribunal, Patna bench, House No. 34 LalBhawan, Bank Road, Opposite New Police Line, Lodhipur, P.S.- Kotwali in the town and district of Patna.

3. Sri Deepak Kumar S/o Sri Narbadeshwar Prasad Residing at A-3, Rajsheela Apartment, Sheikpura More, Bailey Road, P.S.- Sastrinagar in the town and district of Patna at present posted as the Registrar, Debts Recovery Tribunal House No. 34 Lal Bhawan, Opposite New Police Line, Bank Road, Lodhipur in the town and district of Patna.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Gautam Bose
Mr. Rohit Mishra

For the Respondent/s : Mrs. Kanak Verma.

**CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
and**

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

2 09-03-2015

Heard learned counsel for the petitioner and learned

Central Government Counsel.

The petitioner seeks initiation of contempt proceedings against the opposite parties for deliberately violating and overruling the order dated 5.7.2010 passed by a Division Bench of this Court in C.W.J.C. No.3335 of 2008.



The allegation of the petitioner is that the order dated 06/12.03.2014 passed by opposite party No.3 with the approval of opposite party No.2 shows scant respect to the order passed by this Court earlier.

From a perusal of the order dated 5.7.2010 passed by this Court in C.W.J.C. No.3335 of 2008, it appears that this Court has dismissed the writ petition filed by the Union of India and the Presiding Officer, D.R.T. who is arrayed as opposite party No.2 to the contempt application holding that it would be futile even to consider the writ petition on merits because now no order for repatriation can be issued when he holds no lien in his parent organization and that also on account of a voluntary order of absorption passed by the competent authorities who had earlier issued impugned order of repatriation. In such circumstances, it was held that the issue raised in the writ petition was only of academic interest and the matter had become infructuous on account of permanent absorption of the present petitioner on the post in question under the Debt Recovery Tribunal, Patna.

The order dated 06/12.03.2014 as a matter of fact reviews the earlier decision taken by the opposite parties, on the basis of which this Court had held that the writ petition was futile and of academic interest and it had become infructuous.

We find no observation or direction in the order dated 5.7.2010 under contempt, which has been or could have been violated by the opposite parties.

The contempt application is, accordingly, dismissed.

V.P.Sinha/-

(Ramesh Kumar Datta, J)

(Anjana Mishra, J)

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