

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4332 of 2014

In
Civil Writ Jurisdiction Case No. 7703 of 1993

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Dhananjay Sharma Son of Late Ram Ekbal Singh , Resident of Mohalla-
Anandpuri , Police Station- Sri Krishnapuri Town and district - Patna,
General Secretary, Bihar State Treasury and Accounts Directorate Non-
Gazetted Employees Association.

.... Petitioner

Versus

1. The State of Bihar through Sri Anjani Kumar Singh, the Chief Secretary
, Government of Bihar, Old Secretariat, Patna.
2. Sri Rameshwar Singh, Principal Secretary, Department of Finance
Government of Bihar, , Patna.
3. Sri Prabha Shankar, Additional Finance Commissioner, Department of
Finance Government of Bihar, Patna.

.... Opp.Parties

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Appearance :

For the Petitioner/s : Mr. Shekhar Singh, Advocate
For the State : Mr. S.A. Alam, SC 3
Mr. Fakhruddin Ali Ahmad, AC to SC 3

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

2 18-03-2015 Heard learned counsel for the petitioner and

learned counsel for the State.

The contempt application has been filed claiming
willful violation of the order dated 17.1.1994 passed in CWJC
No. 7703/1993.

Learned counsel for the petitioner submits that in
the said writ application an undertaking had been given in the
counter affidavit filed on behalf of the State regarding certain

service conditions pertaining to the petitioner who was employee of the Treasury in the District.

From a perusal of the order under contempt it appears that in the counter affidavit the stand of the Government was that certain conditions pertaining to the employees of the Treasury at the particular time would continue and the same cannot be considered as binding undertaking of the Government taking away its' powers for all times to come not to take decision in the interest of administration. Such policy decisions are open to be taken by the Government and in the present matter they cannot be considered as violation of the undertaking. Moreover, 20 years has elapsed since the said order was passed and therefore there is no occasion to consider that the action of the opposite parties is in willful violation of the undertaking given. In this regard learned counsel for the petitioner refers to the order dated 5.7.1994 passed in MJC No. 780/1994 by which the contempt application was held to be premature since no final decision had been taken by the authority. That order again is nearly 20 years old and much water has flown since then.

In the aforesaid circumstances, we are of the view that no case for proceeding under the contempt jurisdiction of this Court is made out.

The contempt application is, accordingly,
dismissed.

It goes without saying that if the petitioner is
aggrieved by any action of the opposite parties, it shall be open to
him to challenge the same in appropriate proceedings.

(Ramesh Kumar Datta, J)

S.Pandey/-

(Anjana Mishra, J)

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