

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No. 6492 of 2013

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Ram Krishna Dubey S/O Jai Mangal Dubey R/O Village- Thikahan, Post-Madhopur Ram, P.S.- Vaishali, District- Vaishali. Also At: Rajya Santoshit Balila Uchha Vidyalaya, Hajipur, Vaishali.

.... Petitioner

Versus

1. The State of Bihar
2. Rambujhavan Chaudhary Son of Not Known, the Director, Secondary Education, Bihar, Patna
3. Shashibhushan Rai Son of Not Known, the District Education Officer, Vaishali, Hajipur.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Opp. Party/s : AC to SC-31

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 05-01-2015 Heard learned counsel for the petitioner and learned A.C. to Standing Counsel – 31.

The present petition was filed with a prayer to initiate contempt proceeding against opposite parties on an allegation of wilful disobedience to an order dated 26-09-2012 passed in C.W.J.C. No. 14996 of 2012. By the said order, the writ petition was disposed of with a direction to examine the entitlement of the wages for the period during which the petitioner was out of service. Regarding grant of enhanced pay-scale notionally, this Court directed to consider the same within specified time.

In this case, show cause has been filed on behalf of opposite party no. 2, wherein, it has been indicated that the claim

of wages during interregnum period was considered, in compliance with the order of the writ court and 50% of the wages has already been directed to be paid and on this point, a reasoned order has been passed on 24th January, 2014 by the Director, Secondary Education, vide **Annexure 'A'** to the show cause.

Learned counsel for the petitioner submits that ofcourse in the show cause regarding compliance of the second part, nothing has been indicated, but recently the grievance regarding enhancement of the pay-scale notionally has already been redressed. However, he submits that instead of 50% salary for the interregnum period, the petitioner was entitled to get entire salary since he was kept out of service.

Keeping in view the fact that 50% salary has been paid in accordance with the provisions as well as in view of the order passed by this Court in C.W.J.C. No. 2256 of 2012(Ganpati Prasad Sahu Vs. State of Bihar & Ors.), the Court is of the opinion that correctness of the order i.e. order dated 24th January, 2014 (Annexure 'A' to the show cause) may not be examined in the present contempt proceeding. Accordingly, I do not find any ground to proceed with the matter.

The petition stands disposed of.

However, it is made clear that if the petitioner feels

aggrieved with the order i.e. Annexure ‘A’ to the show cause, he
would be at liberty to avail appropriate remedy.

(Rakesh Kumar, J.)

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