

Miscellaneous Jurisdiction Case No.4196 of 2014

Civil Writ Jurisdiction Case No. 469 of 2013

.... Petitioner

1. The State of Bihar

.... Contemnors.

For the Petitioner/s : Mr. Subhdeep Das

MANDAL

ORAL ORDER

Heard Mr. Subroteswar De, advocate for the

petitioner and the State.

Two show causes have been filed on behalf of the Civil Surgeon –cum- Member Secretary of the Bihar Health Society.

The application raises the grievance that opposite party no. 2 has willfully disregarded the order dated 9.07.2013 passed in CWJC No. 469/13. Operative part/portion whereof is extracted hereinbelow:-

“Let the petitioner file a detailed representation before the respondent no.2 (Civil Surgeon cum Member Secretary, District Health Society, Samastipur)

supported by all relevant documents within a period of three weeks whereafter the said respondent shall examine and take appropriate decision thereon within a period of four weeks. Depending on the decision of the said respondent the petitioner shall be paid the admissible dues, if any, within a further period of six weeks.”

In the show cause, it was stated that the claim of the petitioner was not under dispute. However, in the supplementary show cause, it has been stated that on verifying the bills and the vouchers etc. enclosed with the bills it was found that there were cuttings which call for some more clarification(s) from the petitioner. The amount of Rs. 06 lacs was sanctioned and paid to the petitioner. Payment thereof is not in dispute. The opposite party in the said show cause in various sub paras of para 8 has set out the details of the mistake/error found on deeper scrutiny of the bills submitted by the petitioner. The petitioner has been requested by communication dated 15.10.2015(Annexure-C series) and 29.10.2015 (Annexure-D) to clarify those errors or discrepancies. In paragraph no.11 the opposite parties has stated as under:-

“11. That it is further submitted by the deponent that vide letter no. 1650 dated 31.10.2015 it is intimated to the petitioner that rest amount will be paid after further scrutiny of the Bill/delivery challan and also directed to give clarification in view of the letter dated 15.10.2015 and 29.10.2015.”

Considering the statements made in the two show causes and the order which this Court passed on the writ petition, in my view, the opposite party cannot be said to have deliberately disregarded the order of this Court. An effort is being made to get necessary clarifications from the petitioner enabling the opposite party to make the payment of the remaining outstanding dues. The petitioner has already been paid a sum of Rs. 06 lacs against the bills submitted by it.

Regard being had to the above, I am persuaded not to pursue with the present contempt application. It is, accordingly, dismissed.

Petitioner shall submit necessary clarification as sought for by the Civil Surgeon-cum- Member Secretary enabling him to release the remaining admissible outstanding dues in favour of the petitioner.

(Kishore Kumar Mandal, J)

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