

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4443 of 2014

In

Civil Writ Jurisdiction Case No. 20256 of 2012

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Md. Junaid Khan, son of Late Mobaruk Hussain, resident of Village-
Mobaruk Manzil, Chhoti Badalpura, P.O.- Khagaul, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through Sri Amrit Lal Mina, father's name not known to the petitioner, the Principal Secretary, Agriculture Department, Government of Bihar, Vikash Bhawan, New Secretariat, Patna.

2. Sri Amrit Lal Mina, father's name not known to the petitioner, the Principal Secretary, Agriculture Department, Government of Bihar, Vikash Bhawan, New Secretariat, Patna.

3. Sri Dharmendra Singh, father's name not known to the petitioner, the Director, Agriculture Department, Government of Bihar, Patna.

4. Sri Rameshwar Singh father's name not known to the petitioner, the Principal Secretary, Finance Department, Government of Bihar, Old Secretariat, Patna.

5. Sri S. Srinivasan, father's name not known to the petitioner, the Secretary(Expenditure), Finance Department, Government of Bihar, Old Secretariat, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhruva Mukherjee, Sr.Advocate

For the Respondent/s : Mr. Avinash Kumar, AC to GA 6

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 25-03-2015

Heard the parties.

2. The petitioner has filed the present application for initiating a proceeding of contempt on the ground of non-compliance of the order dated 11.01.2013 passed in CWJC No. 20256 of 2012 (Annexure-1).

3. A show cause was filed on 04.02.2015 on behalf of the opposite party no.3, the Director, Agriculture Directorate, Government of Bihar, Patna stating therein that in compliance of the aforesaid order dated 11.01.2013, a reasoned order has been passed by him on 30.01.2015 allowing the admissible claims of

the petitioner. The said reasoned order dated 31.01.2015 has been brought on record as Annexure-D to the show cause.

3. When the matter was taken up earlier on 04.02.2015, learned senior counsel appearing on behalf of the petitioner raised a grievance that despite acceptance of the claim of the petitioner, actual payment has not been made. In above view of the matter, learned State counsel was directed to file a supplementary show cause.

4. When the matter has been taken up today, a supplementary show cause is being filed on behalf of the opposite party no.3 stating therein that in the light of the reasoned order dated 30.01.2015 (Annexure-D to the show cause), payment of salary has been made by the District Agriculture Officer, Jamui by transferring the admissible amount in the account of the petitioner.

5. Learned senior counsel appearing on behalf of the petitioner raises yet another grievance that by the reasoned order dated 30.01.2015 (Annexure-D) it was held that the petitioner remained waiting for posting at the Directorate at Patna. Therefore, he ought to have been paid his salary at par with the employee of the same rank posted at Patna. But the payment has been made by the District Agriculture Officer, Jamui by treating him to be an employee of the district cadre. Therefore, according to him, the petitioner has been put to certain financial loss.

6. After having heard the parties and taking into consideration the averments made in the show cause as also in the supplementary show cause, this Court is of the opinion that though cause of action does not survive for initiating a proceeding of contempt against the opposite parties, but a liberty is granted to the petitioner to file a representation before the competent

authority raising his valid grievances. It is expected that if such a representation is filed by the petitioner, the same shall be considered and decided in accordance with law.

7. The MJC application stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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