

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.406 of 2015

In

Civil Writ Jurisdiction Case No. 15233 of 2010

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Md. Ashraf Ali

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Obaidur Rahman

For the Respondent/s : Mr. Ga11 Parth Sharthi

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR

SAHOO

ORAL ORDER

5 17-11-2016 Heard the learned counsel for the petitioner, learned counsel for the State and learned counsel for the Accountant General also.

Perused the show cause filed by the State authorities. It appears that in terms of the order dated 23.09.2014 passed by this Court in CWJC No.15233 of 2010, the State authorities were directed to pass reasoned order regarding A.C.P. and arrears of salary. Reasoned order has already been passed according to the State authorities.

The grievance of the petitioner is that the claim of the arrears of salary has not been considered nor any order has been passed. In my opinion, this is not a ground for contempt as there is no specific direction that arrears of salary must be paid to the petitioner. The direction was only to consider his claim and if it is

found that it is payable to the petitioner, the same shall be paid. A reasoned order has been passed by the authorities, therefore, a fresh cause of action is there to challenge the order passed by the authorities which has been annexed as Annexure A to the show cause.

In view of the above facts, I do not find a case for initiating a contempt proceeding against the respondent. Accordingly, this M.J.C. application is dismissed.

(Mungeshwar Sahoo, J)

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