

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.933 of 2016

In
Civil Writ Jurisdiction Case No. 11187 of 2010

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1. Raghunandan Yadav Son of late Laldhari Yadav R/O Vill. & P.O.-
Kamalpur, Tola- Ghirit Kundali, P.S.- Pandoul, Distt.- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar Through Sri R.k.mahajan The Commissioner Cum
Seretary Department of Health Govt. of Bihar Patna.
2. Dr. Ajad Hind Prasad, The Director-In-Chief, Health Services, Govt. Of
Bihar, Patna
3. Dr.Bimal Kant Thakur, Regional Deputy Director, Health Services,
Darbhanga Division, Darbhanga
4. Dr. Avadh Kumar, Civil Surgeon-Cum-Chief Medical Officer,
Samastipur
5. Dr. Narendra Bhushan, Civil Surgeon-Cum-Chief Medical Officer,
Madhubani
6. Dr. Jawahar Sahoo, In-Charge Medical Officer, Additional Primary
Health Center, Shiura Chaksaho, (Sahpur Patori), Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rabindra Nath Kanth
For the State/Respondent/s	:	Mr. Mistabaul Haque, G.P-12
	:	Mr. Mritunjay Kumar, AC to G.P. 12.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 21-09-2016 This contempt application has been filed alleging

violation of the order of this court dated 11.07.2014, passed in

C.W.J.C. No. 11187 of 2010.

By the said order, this court, while setting aside the

order of termination of petitioner's service, had directed that the

petitioner should be reinstated. The matter was remanded back to

the disciplinary authority i.e. the Civil surgeon-cum-Chief Medical

Officer, Samastipur with a direction to him to conduct departmental inquiry afresh in accordance with law. It was also directed that in the departmental inquiry, the petitioner shall co-operate.

It is the grievance of the petitioner that in compliance of this order passed by this court on 11.07.2014, the opposite parties did not reinstate him and allow him to join and therefore, they deserves to be proceeded against for having committed Contempt of Court.

In the show cause reply filed on behalf of opposite party no. 4, it has been stated that in the light of this court's order dated 11.07.2014, the petitioner had given his joining and was reinstated vide order as contained in memo no. 3017 dated 18.12.2014. Learned counsel for the petitioner has submitted that an incorrect stand is being taken on behalf of opposite parties by making statement that the petitioner was reinstated.

So far as, departmental inquiry is concerned, the same has concluded with the passing of an order by the Civil surgeon cum Chief Medical Officer, Samastipur, holding that the petitioner had been working on the basis of forged appointment letter and therefore, his engagement from the very beginning was null and void.

I am not convinced with the contention of the petitioner that he was not reinstated despite order of this court dated 11.07.2014. His reinstatement was directed by this court only for the purpose of concluding the departmental enquiry initiated against him. The very fact that he participated in the departmental enquiry suggests that he was allowed to join. If he had any grievance in course of departmental inquiry to the effect that he was not being allowed to join despite order of this court, he could have approached before this court against the inaction of the inquiry Officer or the disciplinary authority immediately. He did not do so. He, on the other hand, participated in the proceeding.

Accordingly, I do not find that any case of disobedience of the order of this court is made out. This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

siddharth/-

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