

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1580 of 2015

IN

Civil Writ Jurisdiction Case No. 25653 of 2013

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1. Jagdish Hazra son of Sri Rukhani Hazra, resident of village - Gauripur, Police Station and Block - Sikta, District - West Champaran at present posted as Panchayat Secretary at Ram Nagar Block, District - West Champaran at Bettiah.
 2. Imtiyazuddin son of Nizamuddin, resident of village - Santipur, Police Station - Nautan, District - West Champaran at present working as Panchayat Secretary at Bagha - II Block, District - West Champaran at Bettiah.
 3. Dinesh Kumar Pandey, son of Sri Briksha Pandey, resident of village - Majahauan, Police Station - Chautarwa, Block - Bagha - I, District - West Champaran at present working as Panchayat Secretary at Gaunaha Block, District - West Champaran at Bettiah.
 4. Daroga Sah, son of Baidnath Sah, resident of village - Jaghwa Nandpur, Police Station and Block - Baririya, District - West Champaran at present working as Panchayat Secretary at Gaunaha Block, District - West Champaran at Bettiah.
 5. Sri Bhannu yadav, son of Mandal Yadav, resident of village - Kurmi Tola, Police Station and Block - Manjhaulia, District - West Champaran at present working as Panchayat Secretary at Bagha - I Block, District - West Champaran at Bettiah.
 6. Ramchandrar Thakur, son of Bhola Thakur, resident of village - Baithania, Police Station and Block - Manjhaulia, District - West Champaran at present working as Panchayat Secretary at Majhaulia Block, District - West Champaran at Bettiah.
 7. Chandra Kishore Prasad, son of Mahadeo Prasad, resident of village - Hari Pakri, Police Station and Block - Majthaulia, District - West Champaran at present working as Panchayat Secretary at Narkatiaganj Block, District - West Champaran at Bettiah.
 8. Bikram Sah, son of Thag Sah, resident of village - Dumaria, Police Station - Sikarpur, Block - Narkatiaganj, District - West Champaran at present working as Panchayat Secretary at Ram Nagar Block, District - West Champaran at Bettiah.
 9. Uma Shankar Prasad, son of Vishwanath Sah, resident of village - Siswan Basantipur, Police Station - Cautarwa, Block - Bagha - I, District - West Champaran at present working as Panchayat Secretary at Maina Thand Block, District - West Champaran at Bettiah.
 10. Jugeshwar Kishore Prasad Yadav, son of Ram Janak Yadav, resident of village - Nabelwan, Post Office - Juralpar, Police Station and Block Gogapatti, District - West Champaran at present working as Panchayat Secretary at Ram Nagar Block, District - West Champaran at Bettiah.
 11. Srinath Pandey, son of Rajdhari Pandey, resident of village - Bhainshi, Police Station - Bhairoganj, Block - Bagha - I District - West Champaran at present working as Panchayat Secretary at Narkatiaganj, District - West Champaran at Bettiah.
 12. Sri Krishn Singh, son of Sri Laxaman Singh, resident of village - Chilabhar, Police Station and Block - Manjhalua, District - Champaran at present working as Panchayat Secretary at Bagha - I Block, District - West Champaran at Bettiah.
 13. Nagina Paswan, son of Jhagru Paswan, resident of village- Post Office - Dhankutwan, Police Station - Balthara, District - West Champaran at present working as Panchayat Secretary at Bagha - II Block, District - West Champaran at

Bettiah.

14. Sri Krishan Ram son of Babulal Ram, resident of village - Jinwalia, Police Station - Sirasian Chanpatia(Sanichari), District - West Champaran at Bagha - I Block, District - West Champaran at Bettiah.

15. Ram Paras Ram, son of Sudama Ram, resident of village - Maswas, Police station - Kangli, Block - Sikta, District - West Champaran at present working as Panchayat Secretary at Ram Nagar Block, District - West Champaran at Bettiah.

16. Bechu Hazra son of Bansi Hazra, resident of village - Gamharia, Police Station - Kangli, Block - Sikta, District - West Champaran at present working as Panchayat Secretary at Bagha - II Block, District - West Champaran at Bettiah.

.... Petitioners.

Versus

1. The State of Bihar

2.Sri Lokesh Kumar Singh, the District Magistrate, West Champaran at Bettiah.

3. Sri Madhu Kant, the District Panchayat Officer, West Champaran at Bettiah.

4. Sri Akhouri Harendra Prasad, the District Accounts Officer, West Champaran at Bettiah.

5. Sushri Arijan Kumari, the Block Development Officer, Ram Nagar, District - West Champaran at Bettiah.

6. Sri Ashok Kumar, the Block Development Officer, Bagha - II, District - West Champaran at Bettiah.

7. Sri Shiv Shankar Rai, the Block Development Officer, Gaunaha, District - West Champaran at Bettiah.

8. Sri Jitendra Kumar Ram, the Block Development Officer, Manjaulia, District - West Champaran at Bettiah.

9. Sri Manoj Kumar, the Block Development Officer, Narkatiaganj, District - West Champaran at Bettiah.

10. Sri Sanjay Kumar Pandey, the Block Development Officer, Maina Tand, District - West Champaran at Bettiah.

.... Respondents.

Appearance :

For the Petitioners : Mr. Jitendra Kumar Roy, Advocate.

For the State : Mr. SC15 A. P. Singh(App)

CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 20-04-2016

Heard learned counsel for the petitioners and learned counsel for the State-Respondents.

This contempt application has been filed alleging the non-compliance of the direction as contained in the order dated 29.08.2014, passed by this Court in C.W.J.C. No. 25653 of 2013. By



the said order, the writ application was disposed of with direction to the respondent- District Magistrate, West Champaran to bestow his consideration on the representation said to have been filed by the petitioners on 18.10.2013 (Annexure-4 to the writ application) within two months from the date of receipt/ production of a copy of this order by reasoned and speaking order in accordance with law.

A show cause has been filed on behalf of the State- Respondents wherein it has been stated that in compliance of the order of this Court, the orders have been passed as contained in Annexure-A and B to the Show cause. It has been, therefore, submitted that there has been no deliberate disobedience of the order and direction passed of this Court in the aforesaid writ application.

Learned counsel for the petitioners has submitted that there was a clear cut direction in the order for passing a reasoned and speaking order on the representation of the petitioners which was annexed as Annexure-4 to the writ application, but the same has not been done and, therefore, the respondents are in contempt of the order of this Court. It has also been submitted by the learned counsel for the petitioners that the prayer in the representation was to fix the scale of the petitioners but the same has also not been done. It has also been submitted by the learned counsel for the petitioners that a direction may be issued to the respondents-State to file a supplementary show

cause pointing out the scale in which the petitioners have been placed.

After considering the submissions and perusal of the records, it transpires from Annexure-A to the show cause that in compliance of the direction as contained in the aforesaid order of this Court, the direction has been issued by District Panchayat Raj Officer calling for the Service Book of all the Panchayat Secretary within two days. The said Annexure-A also mentioned order passed in another C.W.J.C. No. 19705 of 2013. Thereafter from Annexure-B it appears that cases of the petitioners along with other employees have been considered with regard to grant of ACP and MACP.

In this view of the matter, this Court does not find that any deliberate disobedience of the order passed by this Court has been done and the respondents have committed contempt of this Court. The submission on behalf of the petitioners that no reasoned and speaking order has been passed does not appear to be substantial in view of the perusal of Annexure-B to the show cause. In this view of the matter, this Court does not found any merit in this contempt application and the same is dismissed with liberty to the petitioners to pursue the remedy in accordance with law.

(V. Nath, J)

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