

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.852 of 2017

In

Civil Writ Jurisdiction Case No. 16820 of 2015

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Ajay Kumar, S/o Late Dular Chand Bhagat, R/o Village- Hathidah,
Mahendrapur, P.S.- Hathidah, District- Patna.

.... Petitioner/s

Versus

1. Srimati Ansuli Arja, the State of Bihar through the Principal Secretary, PHED, Vishweswaraiya Bhawan, Patna.
2. Mr. D.P. Singh, the Superintending Engineer, PHED, Patna Circle, Patna.
3. Mr. Shankar Prasad, the Executive Engineer, PHED Division, Biharsharif, Nalanda.
4. Mr. Sri Yogendra Prasad Singh, Assistant Engineer PHED cum Enquiry, Officer, Nalanda at Hilsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Adv.

For the Respondent/s : Mr. Anisul Haque, AC to AAG- 5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

3 18-10-2017 Heard the parties.

This contempt application was filed alleging non-compliance of the order passed in CWJC No.16820 of 2016 which was disposed of with a direction to the respondents to conclude the departmental proceeding within a period of six months from the date of receipt/production of a copy of the order failing which to consider the prayer of the petitioner for revocation of suspension and dispose of the same within a fortnight of expiry of six months. A direction was also given to pay the admissible subsistence allowance to the petitioner.

A show cause is filed and Mr. Anisul Haque, learned



Assisting Counsel to Additional Advocate General No.5 in reference to Annexure 'G' has submitted that since the petitioner was not cooperating in expeditious disposal of the departmental proceeding that the prayer for revocation of suspension was rejected vide order bearing Memo No.727 dated 27.5.2017 placed at Annexure 'G'. He next refers to an order bearing Memo No.980 dated 14.7.2017 placed at Annexure 'I' to submit that the departmental proceeding has since been concluded and resulted in a minor punishment. In reference to the statement made in paragraph 15 of the show cause it is submitted that the admissible subsistence allowance has been paid.

Having heard learned counsel for the parties and considering the submissions so advanced no case for contempt is made out and this contempt application is disposed of with a liberty to the petitioner, if so advised, to question the order imposing penalty before the proper forum by filing an appropriate application.

(Jyoti Saran, J)

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