

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1048 of 2017

IN

LPA 1239 of 2012

- =====
1. Dinesh Prasad Singh, S/o Late Ram Bali Singh, Assistant Teacher, Middle School, Baddi, P.S.- Sheo Sagar, District- Rohtas, Permanent, Resident of Village- Nariana, P.O.- Chandrakaithi, P.S.- Chenari, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director Primary Education, Government of Bihar, Patna, namely Mr. M. Ramachandrudu.
3. The Regional Deputy Director of Education, Patna Division Patna, namely Dr. Ashok Kumar Singh (Incharge).
4. The District Superintendent of Education/The District Education Officer, Rohtas at Sasaram, namely Dr. Ashok Kumar Singh.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Om Prakash Singh

For the Respondent/s : Mr. Ashutosh Ranjan Pandey - AAG 15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 11-07-2017

Inter alia contending that order passed in C.W.J.C.

No.4464 of 2005 and thereafter modified and upheld in L.P.A.

No.1239 of 2012 has not been complied with, this application has been filed for initiating action for contempt.

The order passed by the Division Bench was that the applicant should be reinstated in service for the period he remained out of service. It was held that he would only be entitled to the 10%



of the emoluments for the period. Contending that the aforesaid amount has not been paid and the emoluments at the rate of 10% for the intervening period has not been granted, this application for initiating action for contempt has been filed.

From the show cause filed by the respondents, it is clear that the petitioner has been reinstated in service and 10% of the remuneration has been assessed at Rs.3,47,369/- and has been paid to him, as is evident from the order Annexure A.

That being so, we are not inclined to proceed further in the matter. In case the petitioner is aggrieved with the manner in which the calculation has been done by the respondents, he may challenge the same in accordance with law in an appropriate proceeding.

With the aforesaid, this appeal is disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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Transmission Date	N/A

