

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2363 of 1997

GANGA PRASAD SINGH & ORS

... .. Petitioner/s

Versus

THE STATE OF BIHAR & ORS

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Virendra Kumar Roy, Advocate
For the Respondent/s	:	Mr. (SC7)

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 30-08-2017

This application was filed for initiating action for contempt way back on 26th of August, 1997 and at that point of time, the grievance of the petitioner was that an order passed on 15.10.1996 in C.W.J.C. No.11778 of 1995 has not been complied with. During the pendency of the matter as the original petitioner No.2 Shri Rajeshwar Prasad Sharma expired, substitution applications have been filed for bringing on record his legal heirs. The same are allowed. The legal heirs are permitted to be brought on record. Necessary corrections be carried out during the course of the day.

Having heard learned counsel appearing for the applicants, it is seen that till date cognizance of the contempt application has not been taken and notices have also not been issued to the respondents. As per the order passed in the writ



petition, petitioner was to approach the appropriate authorities with the details of his claim and the authorities were directed to take action in accordance to the general directions issued in the case of Rukmani Vs. State of Bihar & Ors., 1955(1) All P.L.J.R. 363 and orders dated 17.9.1996 and 24.1.1996 in C.W.J.C. Nos.3472 of 1996 and 7177 of 1994 respectively. It is stated by the learned counsel appearing for the applicant that till date the claims have not been considered and decided.

If that be so, now after more than 21 years, it is not appropriate for this Court to initiate action for contempt as most of the respondents, against whom contempt is alleged, would not be holding the post in question or it is also not known whether they are alive or not. Under such circumstances, no useful purpose would be served by keeping the matter pending and issuing notice to the respondents. Instead, interest of justice would be met in case liberty is granted to the petitioner or the legal heirs of the original petitioner to raise their fresh claim before the competent authorities of the respondents in accordance to the liberty granted to them vide order dated 15.10.1996 in C.W.J.C. No.11778 of 1995 and on the same being done, the competent authority shall take a decision in the matter preferably within three months thereof.



Needless to emphasize that in case the petitioner has any grievance still subsisting, arising out of the subsequent action, he may challenge the same in accordance with law in an appropriate proceeding.

With the aforesaid, this application is disposed of.

(Rajendra Menon, CJ)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	7.9.2017
Transmission Date	

