

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.101 of 2014

In
Civil Writ Jurisdiction Case No. 15717 of 2011

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1. Ravi Shankar Singh S/O Late Ramchandra Singh Village- Gangajal High School, P.S- Shonepur, District- Saran.
 2. Dipa Ram S/O Late Ermit Ram @ Late Amrit Ram Village- Gangajal, Barika Bagicha, P.S- Sonapur, District- Saran.(Village name wrongly typed as Kharika in place of present Village stated in the writ petition earlier)
 3. Pravin Kr. Singh S/O Rameshwar Singh Village Bharoh, Gangajal, Gangajal High School, P.S- Sonapur, District- Saran.
 4. Vijay Kr. Singh S/O Sarwanand Singh of village- Gangajal High School, P.S- Sonapur, District- Saran.
 5. Narendra Singh S/O Late Gyanshankar Singh @ Late Ram Kishun Singh of village Gangajal, P.S- Sonapur, District- Saran.
 6. Prem Prakash Ram S/O Hiralal Ram Village- Gangajal Sultanpur, P.S- Sonapur, District- Saran.

.... Petitioner/s

Versus

1. The Union of India through Arunendra Kr. Chairman, Railway Board, Ministry of Railways, New Delhi.
2. K.K. Shrivastava, Additional Member (Staff), Railway Board, Ministry of Railways, Govt. of India, New Delhi.
3. Maduresh Kr., General Manager, East- Central Railway, Hajipur.
4. Rajesh Tiwari, Divisional Railway Manager (P), Sonapur, Saran.
5. Anil Mittal, Chief Administrative Officer (Con), Railway, East Central Railway, Mahendru Ghat, Patna.
6. State of Bihar through Vijasji, Principal Secretary, Revenue and Land Reforms, Govt. of Bihar, Patna.
7. Kundan Kr., District Magistrate/ Collector, Saran, Chapra.
8. Kaushlendra Singh, District Land Acquisition Officer, Saran, Chapra.

.... Respondent/s

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with

Miscellaneous Jurisdiction Case No.102 of 2014

IN

Civil Writ Jurisdiction Case No. 15918 of 2011

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1. Hiralal Ram, S/o Late Amrit Kumar of Village Kharika, Gangajal Sultanpur, P.S. Shonepur, district Saran.
(wrongly typed as Late Amrit Kumar Kharika in place of Late Amrit Kumar in writ petition previously).
 2. Subash Ram, S/o- Chandrika Ram of Village – Gangajal, Barka Bagaicha, P.S. Sonapur, District Saran.
 3. Manoj Singh, S/o- Late Sat Narayan Singh of village – Gangajal Kharika, P.S. Sonapur District Saran.

.... Petitioner/s

Versus



1. The Union Of India through Arunendra Kr., Chairman, Railway Board, Ministry of Railways, New Delhi.
2. K.K. Shrivastava, Additional Member (Staff), Railway Board, Ministry Of Railways, Govt. of India, New Delhi.
3. Maduresh Kr., General Manager, East- Central Railway, Hajipur.
4. Rajesh Tiwari, Divisional Railway Manager (P), Sonapur, Saran.
5. Anil Mittal, Chief Administrative Officer (Cod), Railway, East Central Railway, Mahendru Ghat, Patna.
6. State Of Bihar through Viyasji, Principal Secretary, Revenue and Land Reforms, Govt. of Bihar, Patna.
7. Kundan Kr., District Magistrate/ Collector, Saran, Chapra.
8. Kaushlendra Singh, District Land Acquisition Officer, Saran, Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bal Mukund Prasad, Adv.
For the Respondent/s : Mr. Anil Kumar Sinha, Adv.
Mr. Akash Keshav, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

14 01-11-2017 Heard learned counsel for the petitioner and learned
counsel for the Railways.

Both these contempt applications have come up for
initiation of contempt proceedings against the respondent-Union
of India being the East Central Railways.

In both the writ applications which were disposed of
directions have been issued for considering the cases of the
petitioners therein for granting them employment in view of the
fact that their lands have been acquired by the Railways through
the Land Acquisition Proceeding and in which directions have
been issued to consider their cases for employment within a period
of three months.



Learned counsel for the petitioners submits that on frivolous pretext the orders of this Court have not been complied with and the Railway willfully and deliberately have not passed orders granting employment to them which is wholly illegal and arbitrary. He further submits that the authorities are acting in excess of their powers and, thus, warrant interference under the contempt jurisdiction.

A show cause and the supplementary show cause have been filed in both the cases and in each of them the contention of the Railways is that the cases of the present petitioners have been given due consideration and in view of the fact that their cases have not been found suitable under the existing Railway Rules for employment by way of compensation, the Railways have conducted a bona fide exercise and has passed reasoned orders which have been annexed to the show cause and the supplementary show cause filed by the Railways.

Having heard the parties at length and after considering the facts and circumstances of the cases, it appears that this Court had earlier directed only to consider their cases. There was no positive direction to grant employment to them, rather in each of the orders, the respective Court had directed considering the case of the petitioners therein.



Since the reasoned orders have already been passed, no case under the Contempt of Courts Act is now made out. Accordingly, the Contempt application stands disposed of. However, it shall be open for the petitioners to seek appropriate recourse in accordance with law. Be it clarified that this Court has not expressed any view on the merits of the claims of the parties.

(Anjana Mishra, J)

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