

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.5449 of 2011

In
Civil Writ Jurisdiction Case No.12366 of 2006

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Hira Prasad Pandey, a judicial Officer, Son of Late Rash Bihari Pandey, R/o P.C. Sarkar Lane Manik Sarkar, P.S. Kotwali Bhagalpur- 81200 Present address- Swablambi Apt. No. 306 Daud Bigha, P.S. Agamkuan, Distt. Patna- 800 026

... .. Petitioner

Versus

1. The State of Bihar
2. The Chief Secretary, Govt. of Bihar, Patna
3. The Principal Secretary, General Administration, Govt. of Bihar, Patna
4. The Registrar General, H.C. of Judicature at Patna

... .. Respondents/Contemners

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Appearance :

For the Petitioner/s : Mr. HIRA PD. PANDEY (IN PERSON)
For the Respondent/s : Mr. BINODANAND MISHRA

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 18-12-2017

We have heard petitioner in person and the opposite parties.

This application has been filed for initiation of a proceeding of contempt against the respondents in disobedience of the order dated 19.8.2008 passed in C.W.J.C. No. 12366 of 2006 passed by the Division Bench of this Court.

By the aforesaid order following directions were given to the State Government and the Patna High Court.

The State Government and the High Court in its Administrative side are directed to forthwith reinstate the petitioner in service. It is declared that in view of the said



unjust decision and follow up actions, the petitioner was restrained from discharging his duties attached to his post and, accordingly, shall be entitled to all benefits of his service from the date of effectuating the compulsory retirement of the petitioner until the date he is reinstated and posted in an appropriate post including his salaries and allowances, increments and all other benefits attached to his post.

This order will not stand in the way of the High Court in taking appropriate action against the petitioner on the basis of the materials being the subject matter of Agendas No. 17, 18 and 19 of the meeting of the Standing Committee held on 30th September, 2004, in accordance with law.”

The Patna High Court in administrative side filed Special Leave Petition (Civil) No. 29409 of 2008 before the Hon’ble Supreme Court in which notices were issued to the petitioner and thereafter the special Leave Petition was dismissed on 3.11.2009.

At the time of hearing the petitioner admitted that eventually he was reinstated on 10.2.2010 and all consequential monetary benefits have been given to him. However, it is contended that promotion should also have been given. However, grant of promotion to the petitioner was delayed and in the meantime the petitioner has again been compulsory retired on 26th October, 2010.

In our view since the petitioner was reinstated in service in view of the direction given by the Division Bench and



consequential benefits were given, it does not appear that there has been any willful disobedience of the aforesaid order and as such in our considered opinion this proceeding cannot continue further.

In the result this contempt petition is dismissed.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
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