

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.5109 of 2013

IN

Civil Writ Jurisdiction Case No. 8790 of 1997

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1. Vindeshwar Chaudhary S/O Late Sri Sone Lal Chaudhary Residing At Mohalla Club Road, Indra Nagar (Miscert), P.O- Ramna, P.S- Mithanpura, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sri A.K Chauhan The Secretary Cum Agriculture Production Commissioner, Bihar, Patna, New Secretariat, Patna.
3. Sri Ramji Prasad Singh The Joint Secretary To The Government Of Bihar, Department Of Agriculture, Patna, New Secretariat, Patna.
4. Sri Ramji Prasad Singh The Deputy Secretary To The Government Of Bihar Department Of Agriculture Bihar, Patna New Secretary Bihar, Patna.
5. Sri M. Shrawan The Director Of Agriculture, Bihar Patna, Department Of Agriculture, Vikas Bhawan, Patna.
6. Sri Rameshwar Pd. Singh The Secretary Of The Government Of Bihar, Patna, Department Of Finance, Patna.
7. Sri Sanjay Kumar, The Accountant Genera, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Nath, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 09-08-2017

Inter alia contending that an order passed on 18.1.2012 in C.W.J.C. No.8790 of 2012 has not been complied with, this application has been filed for initiating action for contempt.

While considering the matter on 20th of July, 2017, this Court found that the order passed for grant of 2nd time bound promotion before superannuation after completing 25 years of



service to be calculated from 19.11.1961 has not been complied with, the respondents were directed to take action and submit a compliance report. When the matter was taken up by this Court on 2.8.2017, even though this Court found that instead of filing a compliance report, it is indicated that an L.P.A. has been filed after more than five years, on 2.8.2017 this Court indicated that the respondents 1 to 6 have committed contempt of this Court's order and they were directed to appear on 9.8.2017. However, on 8.8.2017, it was found by the office that even though the order was passed by the Single Bench on 2.8.2017, it has been shown to have been passed by a Division Bench and signed by both the Judges of the Division Bench. The said order was recalled on 8.8.2017 and the matter was directed to be listed today.

Today, when the matter is taken up for consideration, the officers are present and a show cause has been filed indicating grant of benefit to the petitioner vide order dated 7.8.2017. Even though learned counsel for the petitioner argues that the order has been passed subject to the right of the State to file an L.P.A. and there is no compliance of the order, it is seen that the order has been passed granting benefit to the petitioner and an unconditional apology is tendered by the officers to say that there has been some communication gap and they were not aware of the pending



proceedings as the files were not put up before them.

Keeping in view the totality of the facts and circumstances and the action taken, now no further indulgence into the matter is called for. The respondents are directed to be careful in future. They are discharged of the proceedings and the application is disposed of with liberty to the petitioner to challenge the action afresh, if he feels any grievance is still subsisting.

(Rajendra Menon, CJ)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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