

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1156 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 11282 of 2005

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Purushottam Pharmaceuticals, Authorized Stockiests of M/S Rajasthan Drugs & Pharmaceuticals Limited, Jaipur, A Government of India Enterprises, Having Its Office At Rastogi House, Gauria Math, Town And District Patna, Through Its Proprietor Naresh Kumar Rastogi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sri Dipak Kumar, Commissioner Cum Principal Secretary, Department of Health, Government of Bihar, Patna.
3. Sri Gopal Krishna, Civil Surgeon Cum Chief Medical Officer, Bettiah.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Bijpuria, Advocate

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 06-07-2017

On 28.07.2011 C.W.J.C. No. 11282 of 2005 was disposed of directing the respondents to consider the representation and application submitted by the petitioner and decide it by a speaking order expeditiously within a period of four months and if on consideration of the representation, any amount is found due, it



should be paid along with interest payable and admissible in the matter.

Inter alia contending that the aforesaid order has not been complied with, this application has been filed and from the show-cause filed by the respondents on 15.04.2014, it is seen that after considering the claim of the petitioner his representation has been decided after the petitioner appeared before the competent authority, namely, Respondent No. 3 on 20th of May, 2013 and on examination it was found that the claim of the petitioner is admissible to the extent of Rs. 79,612.25 and, accordingly, the aforesaid amount along with interest calculated has been paid to the petitioner vide challan and demand draft and it was sent by registered post with postal receipt no. 4941.

After the show-cause was filed on 03.07.2014, there is no rebuttal to the same during the last three years and today when the matter is taken up, learned counsel for the petitioner submits that he has to reconstruct the file and seek instructions.

Keeping in view the show-cause filed by the respondents and the facts as are narrated in the said show-cause, as detailed hereinabove, if there has been no rebuttal to the same by the petitioner for all these period, I see no reason to keep the matter pending, as *prima facie* it seems that the petitioner is satisfied with



the action taken and has no grievance.

Accordingly, the contempt petition stands disposed of with liberty to the petitioner to initiate fresh proceedings in accordance with law in case he has any grievance in the matter still subsisting.

(Rajendra Menon, CJ)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	07.07.2017
Transmission Date	

