

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Miscellaneous Jurisdiction Case No.662 of 2014**

**IN**

**Civil Writ Jurisdiction Case No. 9668 of 2011**

=====

1. Arun Kumar Singh S/O Late Sri Dhaneshwar Prasad Singh Resident Of Village Sajour, Post Office Sajour (Nath Nagar), District Bhagalpur, Presently Posted As Assistant Engineer, Road Construction Department, Road Sub Division Supaul, District Supaul.

.... .... Petitioner/s

Versus

1. The State Of Bihar.
2. Sri Pratyaya Amrit S/O Not Known To The Petitioner Secretary, Road Construction Department, Government Of Bihar, Patna.

.... .... Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Khatim Reza, Advocate

For the Respondent/s : Mr. Subodh Kumar, AC to SC-20

=====

**CORAM: HONOURABLE THE CHIEF JUSTICE**

**ORAL JUDGMENT**

**Date: 05-07-2017**

*Inter alia* contending that the order dated 19.3.2013 passed by the learned Writ Court in C.W.J.C. No.9668 of 2011 has not been complied with, this application has been filed for initiating action for contempt.

The petitioner's case was directed to be placed before the Departmental Promotion Committee and it was directed that, if found eligible and if the minor punishment imposed is found



irrelevant for the purpose of granting promotion, promotion on the post of Executive Engineer be granted to the petitioner w.e.f. 31.12.2009.

Respondents have filed a detailed counter affidavit and say that the case of the petitioner has been considered in the Departmental Promotion Committee that was held and looking to various punishments imposed on the petitioner, which included the punishment of stoppage of two increments with cumulative effect, he has not been promoted.

Taking note of the counter affidavit filed by the respondents indicating the reasons as to why the petitioner cannot be promoted, now in this contempt proceeding, no further adjudication can be done or direction can be issued.

The respondents having taken action for consideration of the case of the petitioner and for the reasons indicated in the show cause showing inability to proceed in the matter, this Court does not deem it appropriate to proceed with the contempt proceeding.

In case the petitioner is aggrieved with the grounds taken in the counter affidavit and manner in which the order has been passed, he may challenge the same in accordance with law in an



appropriate proceeding.

With the aforesaid, this appeal is disposed of.

**(Rajendra Menon, CJ)**

K.C.jha/-

|                   |           |
|-------------------|-----------|
| AFR/NAFR          | NAFR      |
| CAV DATE          | N/A       |
| Uploading Date    | 15.7.2017 |
| Transmission Date | N/A       |

