

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3118 of 2013

IN

Civil Writ Jurisdiction Case No. 13798 of 2011

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Nageshwar Yadav, S/O of Shri Kharagdhari Yadav, R/O - Dighoy, P.S. - Jamui,
Dist. – Jamui.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar.
2. Sri A.K. Sinha, the Chief Secretary Govt. of Bihar.
3. Sri A.K. Chauhan, the Principal Secretary, Labour Resource Department, Govt. Of Bihar.
4. Sri Ashok Kumar Mallik, the Director Employment and Training, Govt. of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate
Ms. Tulika Singh, Advocate

For the Respondent/s : Mr. Ranjan Kumar, AC to G.P.-7

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 07-04-2017

The writ petition in question being CWJC No.13798 of 2011 was disposed of on 1st of April, 2013 with the following directions issued:-

“ In the said circumstances, this writ petition is allowed, memo no.2556 dated 11.09.2009 (Annexure-7) issued by the respondent-Principal Secretary as a disciplinary authority rejecting the report of Conducting Officer is hereby quashed and the concerned authority is directed to accept the above mentioned enquiry report of the Conducting Officer and conclude the departmental proceeding within four weeks from the date of receipt/production of a copy of this order. The respondents-authorities are further directed to give all the benefits of service to the petitioner, which are legally available, treating him to be in continuous service.”



From the counter affidavit filed by the respondents, it is seen that after the enquiry report was submitted by the Conducting Officer and after orders as indicated herein above passed in the writ petition, the disciplinary authority issued show cause notice to the petitioner, disagreed with the report of the conducting officer and imposed punishment of stoppage of increments without cumulative effect.

That being the position, now only because the promotion and consequential benefits were not granted, it is not a fit case where action for contempt should be initiated as the order passed in the writ petition and as reproduced hereinabove indicates that the writ court granted liberty to the disciplinary officer to conclude the departmental proceedings within four weeks and if in pursuance to the same, the departmental proceedings were concluded by disagreeing with the findings of the conducting officer imposing a punishment, now in the light of the punishment order passed, merely because some promotion or benefits of continuous service is not granted, this Court does not deem it appropriate to initiate action for contempt. The respondents cannot be said to have deliberately or willfully violated any order of this Court. They have acted in pursuance to the liberty granted to them by this Court. In case, the petitioner has any grievance still subsisting,



he may take recourse to the remedy available to challenging the same,
but finding no case for initiating action for contempt, the application is
disposed of.

(Rajendra Menon, CJ)

Sunil/-

AFR/NAFR	N. A. F.R
CAV DATE	N. A.
Uploading Date	10.04.2017
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