

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.5093 of 2012

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1. Dr. Mithileshwar Prasad Singh S/O Late Sudist Narayan Singh R/O B/5,
Friends House Apartment, Montessary Lane, Boring Road, P.S. Sri
Krishnapuri, District - Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sri Vyas Ji Mishra Son Of Not Known To The Petitioner, Presently
Posted As The Principal Secretary, Health & Family Welfare Department,
Government Of Bihar, Patna
3. Dr. Parsuram Prasad Son Of Not Known To The Petitioner, Presently
Posted As The Civil Surgeon - Cum - Chief Medical Officer, Madhepura

.... Contemnors-opposite parties.

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh
For the State : Mr. Deepak Kumar AC to SC-5

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 25-01-2017 Heard Mr. Ajit Kumar Singh for the petitioner and

Mr. Deepak Kumar AC to SC-5 for the State.

A show-cause on behalf of the opposite party no.2
affirmed by the Director, Health Department, Bihar, Patna is filed.
The application alleges wilful/deliberate disregard/disobedience of
the order dated 02.04.2012 passed in CWJC No. 3371 of 2012
(Annexure-1). This Court disposed of the said writ petition in the
following terms:-

“Let the petitioner file a
representation detailing the aforesaid
grievance(s) together with a copy of the
present order before the Principal Secretary,
Department of Health and Family Welfare
(respondent no.2) as well as the Civil-



Surgeon-cum-Chief Medical Officer, Madhepura (respondent no.7) within a period of 05 weeks whereafter those two respondents, acting in tandem, would examine the claim(s) of the petitioner and take decision thereon in accordance with law as quickly as possible preferably within a period of 03 months from the date of filing/presentation. Depending upon the decision to be taken on the said representation the respondents will thereafter take all effective steps/measure to ensure that these dues on account of arrear of salary is/are authorized in favour of the petitioner within a further period of 05 weeks.”

Diverse show causes have been filed. Lastly, in the show cause filed on behalf of the opposite party no.2, it is stated that considering the representation filed by the petitioner in the light of the aforesaid order passed on the writ petition, the Department took required steps and issued sanction order(s) at the level of the Department for payment of the admissible dues to the petitioner. The relevant dues paid to the petitioner under diverse sanction orders have been stated elaborately in para-6 of the show cause.

Learned counsel for the petitioner states that several dues of the petitioner still remained outstanding. In this regard, he referred to the Annexure(s) appended to the writ petition. He has also questioned the correctness of the amount disbursed in favour



of the petitioner under diverse head(s).

Considering the order which the Court passed on the writ petition and the jurisdiction which the petitioner has invoked, it would be inappropriate to examine those grievance(s)/submissions in the present contempt jurisdiction. It will be open to the petitioner to ventilate his grievance before the authority concerned and/or to seek appropriate remedy in accordance with law. The present contempt proceeding is dropped.

(Kishore Kumar Mandal, J)

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