

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2448 of 2014

In
Civil Writ Jurisdiction Case No.5916 of 2007

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1. Raj Kumar Sah S/o Late Sukhlal Sah Resident of Mohalla - Sheo Colony, Purani Gudari Road, P.O. Town Muzaffarpur, District - Muzaffarpur
 2. Ram Kripal Singh S/o Late Rama Nand Singh Resident of Village and P.O. - Hussepur, P.S. - Sahebganj, District - Muzaffarpur
 3. Narendra Prasad Sinha S/o Late Shyam Nandan Singh Resident of Village + P.S. - Govind Pitoujhia, P.O. - Badari, District - Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna (Mr. Ashok Kumar Sinha)
2. Dr. Sunil Kumar Singh, The Chairman, the Bihar State, Co-operative Marketing, Union Ltd., Biscomaun Bhawan, Patna
3. Mr. J.J. Alam, The Managing Director, the Bihar State Co-operative Marketing Union Ltd., Biscomaun Bhawan, Patna, Bihar
4. Mr. Shivlochan Mishra, The Finance Controller, The Bihar State Co-operative Marketing Union Ltd., Biscomaun Bhawan, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bhubneshwar Prasad, Adv.
For the Respondent/s	:	Mr. Rajendra Prasad, Sr. Adv.
For Opp. Party Nos.2 to 4	:	Mr. Ashish Giri, Adv.

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 15-12-2017

This application has been filed complaining disobedience of an order dated 16.10.2012 in C.W.J.C. No.5916 of 2007 and C.W.J.C. No.16333 of 2007. In C.W.J.C. No.5916 of 2007, there were 33 petitioners and in other case C.W.J.C. No.7417 of 2008 there was one petitioner. Against both these orders passed in the writ petitions, M.J.C. Nos.2141/14 and



5719/13 were filed and by a detailed order dated 19.7. 2017 this Court did not deem it appropriate to take contempt application and in para 3 indicated as under:

"3. Taking note of the financial constraint of the Corporation and the manner in which they are settling the claim of the employees based on the directions issued by this Court from time to time, it is not a fit case where action for contempt can be initiated now merely because the entire claim has not been settled. The petitioners are granted liberty to take action as is permissible under law for settlement of their claim but on the grounds canvassed, this Court does not deem it appropriate to take action for contempt against the respondents and in view of the compliance reported till date, no further action is required to be taken into the matter."

This application is also filed by one of the petitioners in C.W.J.C. No.5916 of 2007 complaining disobedience of the order dated 6.10.2012 and it is tried to be indicated during the course of hearing that in the case of various employees, example of which is given in para 3 of the rejoinder, disturbing the seniority position and relief if being granted.

That being so, based on the liberty granted to the petitioner already, as indicated in para 3 of the order passed in M.J.C. Nos.2141 of 2014 and 1520 of 2015, petitioner may make a complaint before the competent authority or seek action in accordance with law, but now, in view of the order passed



disposing of identical contempt application, no further action is required to be taken in the matter.

Granting liberty to the petitioners to make complaint before the competent authority, this application is disposed of.

(Rajendra Menon, CJ)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.12.2017
Transmission Date	

