

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.65 of 2017

In
Civil Writ Jurisdiction Case No. 171 of 2015

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1. Anju Kumari, Daughter of Basudeo Lal Sah, Resident of Village - Milki,
Police Station - Bihpur, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sri R.K. Mahajan, Son of not known presently posted as the Principal Secretary, Health Department, Govt. of Bihar, Patna.
3. Dr. R.D. Ranjan, Son of not known presently posted as the Director-in-Chief, Health Services, Government of Bihar, Patna.
4. Dr. Azad Hind Prasad, Son of Not known, presently posted as Director, Health Department, Government of Bihar, Patna.
5. Shri Om Prakash Prasad, Son of not known, presently posted as the Regional Deputy Director, Health Services, Bhagalpur Division, Bhagalpur.
6. Sri Aadesh Titarmare, Son of not known presently posted as the District Magistrate, Bhagalpur, District- Bhagalpur.
7. Dr. Bijay Kumar, Son of name not Known, presently posted as the Civil Surgeon- cum-Chief Medical Officer, Bhagalpur.
8. Dr. Ramchandra Prasad, Son of not known, presently posted as the Additional Chief Medical Officer (ACMO) Bhagalpur.
9. Dr. Manoj Choudhary, Son of not known, presently posted as the District Immunization Officer, Bhagalpur.
10. Dr. Arun Kumar Sinha, Son of not known, presently posted as the In-Charge Medical Officer, Primary Health Centre Jagdishpur, District- Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Yadav, Adv.

For the Respondent/s : Mr. S. D. Yadav, AAG 9

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 21-06-2017 By this contempt application the petitioner complains of willful disobedience by the respondents to the order dated 6.9.2016 passed in C.W.J.C.No.171 of 2015 whereby this Court while quashing the transfer order bearing Memo No.602 dated 8.2.2014 in so far as it related to the petitioner also quashed the



order of penalty passed against the petitioner bearing Memo No.3629 dated 25.11.2014. The writ petition was allowed with the observation that the consequences shall follow. The petitioner complains that she filed her representation before the Civil Surgeon-cum-Chief Medical Officer at Annexure-2 for ensuring compliance of the judgment and order of this Court and for payment of a pending dues but has not been complied.

A show cause is being filed on behalf of the opposite party No.8 enclosing a copy of the order bearing Memo No.691 dated 3.3.2017 in which it is stated that necessary steps are being taken for payment of the admissible dues for which allotment has been requested with the department. It is also mentioned that current salary is being paid to the petitioner.

I have heard learned counsel for the parties and I have perused the records.

I find that although the judgment and order passed in the writ petition does mention that the consequences shall follow but the petitioner while filing her representation before the Chief Medical Officer as well as the Principal Secretary has failed to pinpoint the dues payable to her for the period in question. A vague statement has been made in the representation that the pending dues be paid and in response where to, the respondent



opposite party by enclosing the letter dated 3.3.2017 of the Chief Medical Officer-cum-Civil Surgeon submitted that necessary steps are being taken for payment of admissible dues.

In the circumstances no case for contempt is made out. The petitioner if so advised may file her representation afresh pinpointing the dues which are payable to her as a consequence of the quashing of the order of transfer as well as the penalty order for consideration and disposal by the authority concerned. But a vague representation not mentioning the individual dues which are payable to the petitioner can be no reason for drawing contempt. It is for the petitioner to file a purposeful and explanatory representation for raising her claims before the authority concerned which obviously would require an expeditious disposal by the said authority.

Not finding sufficient reasons to proceed in contempt for the present, the contempt application is dismissed.

Bibhash/-

(Jyoti Saran, J)

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