

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4638 of 2012

IN

Civil Writ Jurisdiction Case No. 8179 of 2010

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Most. Bibi Zaitoon W/O Late Md. Israil, Resident of Village Logai, P.S. Jagdishpur, District Bhagalpur, at present resident in village Badluchak, P.S. Gauradih, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Mr. Commissioner, Bhagalpur Division, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate

For the Respondent/s : Mr. Jainendra Kumar Sinha, AC to SC-17

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 29-03-2017

On 21st February, 2012, Civil Writ Jurisdiction Case No.8179 of 2010 was disposed of with a direction to the Commissioner, Bhagalpur Division, Bhagalpur to consider the case of the petitioner for grant of compensation in accordance to a Circular of the year 2007 and grant opportunity of hearing to the petitioner and decide her representation. The order passed reads as under:-

“In the facts and circumstances of the case, I direct the Commissioner, Bhagalpur Division, Bhagalpur to consider the case of the petitioner for grant of compensation in light of 2007 circular as also in view of the claim of the petitioner that in case of death of sister-in- law (Bhabhi) and their children, compensation has been paid to the surviving family members. The learned Commissioner would give an opportunity of hearing to the



petitioner or her representative to place her case. It is expected that the claim of the petitioner would be disposed of by a reasoned order within four month from the date of receipt/production of a copy of this order. In case he comes to a finding that the petitioner is entitled for compensation for deaths of remaining eight family members, he would direct for making such payment.

With the aforesaid observations and directions, this writ petition stands disposed of.”

Now, from the show cause filed by the respondents, it is seen that the Commissioner, Bhagalpur Division, Bhagalpur passed a detailed order, as is evident from Annexure-E dated 06.05.2012 to show cause, and has indicated various reasons as to why the claim of the petitioner cannot be allowed.

Even though, learned counsel for the petitioner by filing a supplementary affidavit to the reply has tried to indicate that the Commissioner has not decided the matter in accordance to the observations made and the directions issued in the writ petition, but taking note of the operative part of the order, as is reproduced hereinabove, now in the light of the findings recorded by the Commissioner and the detailed order passed, this Court is of the considered view that it is not a fit case where action for contempt should be initiated, instead in case, the petitioner has any grievance with regard to the manner in which the claim of the petitioner is rejected by the Commissioner, it gives a fresh cause to the petitioner to



ventilate the same and challenge the order. The said liberty shall be available to the petitioner.

Finding no further indulgence made into the matter, the application stands disposed of.

(Rajendra Menon, CJ)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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