

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Miscellaneous Jurisdiction Case No.1272 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 3127 of 2013**

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Satish Kumar, S/o Late Musafir Sinha, Resident of Village - Hablipur Tola
Lakchhan Bigha, P.O. Saristabad, P.S. Ghoshi, Panchayat - Saristabad, District -
Jahanabad, Pin No. 804418

.... Petitioner/s

Versus

1. The Union of India through Saurabh Chandra The Secretary Department of Petroleum, New Delhi
2. Sajjan Kumar, The General Manager Indian Oil Corporation Ltd. 1st Floor Shahi Bhawan Exhibition Road Patna - 1
3. R.S. Butalo The Managing Director, Indian Oil Corporation Ltd. 1st Floor Shahi Complex Exhibition Road Patna
4. Arun Prasad, The Chief Area Manager, Patna A.O. (Indian Area Office) Indian Oil Corporation Ltd. 1st Floor Shahi Complex Exhibition Road Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kritya Nand Jha, Advocate
For the Respondent/s : Mr. K.D. Chatterji, Sr. Advocate
Mr. Amlesh Kumar Verma, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 10-05-2017

In C.W.J.C. No. 3127 of 2013 on 11.11.2013 the Writ

Court issued the following orders:-

“In the circumstances, on receipt of the
letter, if the petitioner files such a representation



within two weeks, the Corporation shall consider the same and shall take a decision, in accordance with law and communicate it to the petitioner within one month thereafter.

Till that is done the status quo as of today shall be maintained by the respondents.

With the aforesaid observations and directions the writ petition is disposed of.”

From the aforesaid order it is clear that petitioner was granted liberty to submit a representation within two weeks. The respondents were directed to decide the same and communicate it to the petitioner within one month thereafter and in the matter of impugned action *status quo* was directed to be maintained till decision of the representation. The petitioner did not submit any representation within the period of two weeks, took advantage of the interim order of *status quo* and when the respondent Corporation found that the petitioner only for the purpose of taking advantage of the interim protection was not submitting the representation, they *suo motu* took action and decided the claim. In doing so, even without a representation being submitted by the petitioner, I am of the considered view that respondents have not committed any contempt, deliberate breach or omission of this Court’s order. It is the petitioner who had in fact committed breach of this Court’s order by not



submitting the representation within two weeks only with a *mala fide* intention of taking advantage of the *status quo* order passed. In fact contempt proceeding should be initiated against the petitioner. Warning the petitioner to be careful in future the application is dismissed without taking cognizance of the grievance made by the petitioner.

(Rajendra Menon, CJ)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	15.05.2017
Transmission Date	

