

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.702 of 2017

In
Civil Writ Jurisdiction Case No.12288 of 2014

=====

Bijendra @ Bijendra Pd. Yadav Son of Late Baldeo Prasad Yadav Resident of
Village - Panchwara, P.S. and District - Banka.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Government of Bihar, New Secretariat, Patna.
2. The District Magistrate, Banka.
3. The District Development Commissioner, Banka, Bihar.
4. The District Provident Fund Officer, Banka, Bihar.
5. The Treasury Officer, District - Banka, Bihar.
6. The Block Development Officer, Katoria, District - Banka.
7. The Block Development Officer, Rajoun, District - Banka.
8. The Accountant General, Bihar, Bircand Patel Marg, Patna.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Bijendra Kumar Singh, Adv.
For the Respondent/s : Mr. ANJANI KUMAR-AAG4

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-12-2017

Petitioner had filed the writ petition and the relief claimed by the petition, which was filed after superannuation, was with regard to recovery made from him after his retirement. In the impugned order, learned Writ Court found that for the issue in question more than four writ petitions were filed. They were C.W.J.C. No.3379/12, decided on 21.2.2012, C.W.J.C. No.13125/12, withdrawn on 24.7.2012 whereafter a contempt application was filed which was disposed of on 25.6.2014, and



then again C.W.J.C. No.6581/13 was filed which was dismissed as devoid of any merit on 5.3.2014 and the petitioner was directed to deposit a sum of Rs.39,43,105. Learned Writ Court found that in view of the previous orders passed, the indulgence by the Court in the contempt jurisdiction is not called for and even the case of original demand being more than Rs.50,00,000/- and its reduction to about Rs.39,00,000/- during the pendency of various writ petitions was taken note of by this Court and the Court dismissed the writ petition as being barred by res judicata.

In our considered view, the learned Writ Court has not committed any error in passing the order warranting re-consideration.

However, while dismissing the writ petition, the learned Writ Court has imposed a cost of Rs.25,000/-. That part of the order is quashed and the appeal is allowed in part. As a result, the writ petition stands dismissed without any cost.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	4.1.2018
Transmission Date	

