

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4680 of 2014

In

Civil Writ Jurisdiction Case No. 7713 of 2003

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Rabi Bhushan Ojha, aged about 87 years, Son of Late Atma Ram Ojha,
Resident of village - Barka, Sihanpura, Police Station - Bimri, District -
Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Arun Kumar Singh, the Principal Secretary, Road Construction
Department, Vishwesharaiya Bhawan, Bailey Road, Patna.
3. Sri Arun Kumar Mishra, the Director Provident Fund, Bihar, Patna, Pant
Bhawan, Patna.
4. Sri Alok Kumar, the District Provident Fund Officer, Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rupak Kumar, Advocate

For the Respondent/s : Mr. Kumar Alok, SC 8

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

4 21-07-2017 *Inter alia* contending that an order passed in CWJC

No.7713 of 2003 on 09.09.2008 has not been complied with and
pointing that interest at compound rate as directed in the
aforesaid order has not been adhered to, this application has been
filed for contempt.

Having heard learned counsel for the parties and on
going through the records, it is seen that the order in question
passed on 09.09.2008 in CWJC No.7713 of 2003, contempt of
which is alleged in the application, was an interlocutory order.
After this order was passed, records indicate that on 03.02.2010
CWJC No.7713 of 2003 came up for hearing. It is seen that a



show cause was filed with regard to contempt of the order passed on 09.09.2008 and after the show cause was filed, counsel for the petitioner sought permission to withdraw the application. Permission was granted. The application was permitted to be withdrawn and petitioner was granted liberty to make a fresh representation for any other subsisting grievances in accordance with law, if advised. After this was done, it seems that certain orders were passed on the representation and, therefore, petitioner again filed CWJC No.9538 of 2010 and on 22.09.2014, this writ petition was also disposed of and in para 10 of the aforesaid order with regard to settlement of G.P.F. and interest, the following observations have been made by this Court:-

“10. Thus, for the reasons indicated above, this Court would hold that the payment of interest on G.P.F. to the petitioner has already been made in terms of the order dated 9.9.2008 in CWJC No.7713 of 2003 and accordingly close the matter.”

Once this is a factual position, there is no question of initiating action for contempt for violation of the interlocutory order passed on 09.09.2008 in CWJC 7713 of 2003 when the subsequent writ petition has been disposed of on 22.09.2014 as indicated hereinabove and the observations made in para 10



thereof. If the petitioner has any grievance with regard to implementation of the order passed on 22.09.2014 in CWJC No.9538 of 2010, he may take recourse to such remedy as may be available in law, but now on account of order passed on 09.09.2008 in CWJC No.7713 of 2003, no action can be initiated. The application is, therefore, dismissed.

(Rajendra Menon, CJ)

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