

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1505 of 2015

In
Civil Writ Jurisdiction Case No. 5071 of 2014

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1. Ram Kishore Prasad (Retired Assistant Engineer, Water Resources Department, Govt. of Bihar), Son of Late Shyam Narain Prasad, Resident of Flat No. 104, Shreyash Garden, Abhiyanta Nagar, Near Gola Road, Behind Indian Oil, Petrol Pump, Main Bailey Road, P.S.- Rupaspur, District- Patna- 801503

.... Petitioner/s

Versus

1. Mr. Rajib Gauba, Chief Secretary, Govt. of Jharkhand, Project Building, Hatia, Ranchi
2. Mr. Rakesh Kumar Mishra, Superintending Engineer, Master Planning Investigation & Hydrology Circle No. 2, Deoghar
3. Mr. Manoj Sahay, Senior Accounts Officer, GE-6, Office of the Accountant General (A & E) Jharkhand, Ranchi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Bijpuria

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 23-02-2017 Heard learned counsel for the petitioner and learned counsel for the State.

In the present case petitioner is raising a grievance that opposite parties have not acted rather flouted the order passed by this Court in C.W.J.C. No. 5021 of 2014. It will be relevant to quote the aforesaid order:

“After having heard the matter for sometime, learned counsel appearing on behalf of the petitioner seeks permission to withdraw this application with a liberty to file a comprehensive representation with all supporting documents, raising all the issues which have been raised in the present proceeding, before the respondent



no.4.

Permission is accorded.

The writ application stands disposed of as withdrawn with the liberty aforesaid.

It goes without saying that, if such a comprehensive representation is filed on behalf of the petitioner within a period of one month from today with a certified copy of the present order, then respondent no.4 or any other competent authority of the State of Jharkhand shall be obliged to consider and decide the claims of the petitioner strictly in accordance with law, but by a reasoned and speaking order, at an early date preferably within a maximum period of three months from the date of filing of such representation by the petitioner.”

From the order it appears that petitioner has basically withdrawn the writ petition but the Court has directed to file a representation and authority was required to dispose of the same within three months. In stead of deciding the matter within three months the authority vide letter no.1603 dated 9.3.2016 passed a reasoned order but claim of the petitioner is that it is not a reasoned order as he has not dealt with that it was not a circumstantial but intentionally delay has been done. In such circumstances contempt proceeding should be initiated against the opposite parties.

It is a speaking order, it may not be up to the expectation of the petitioner but cannot be alleged that the authority has not passed the order in



terms of the direction of this Court.

For delay part this Court does not want to initiate a proceeding against the contemners. Accordingly present proceeding is dropped. However, petitioner, if so advised, may take legal course against the order dated 9.3.2016 passed by the Deputy Director, Water Resources Department, Government of Jharkhand.

Vinay/-

(Shivaji Pandey, J)

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