

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1252 of 2017

In

Civil Writ Jurisdiction Case No. 14720 of 2015

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1. Satendra Kumar Sinha, son of Late Bishwa Nath Prasad, resident of Village- Gopalbad, Police Station- Sarmera, District- Nalanda.

.... Petitioner/s

Versus

1. Bihar State Building Construction Corporation Limited, Bihar, Patna.
2. Amrit Lal Meena, father's name not known to the petitioner, the Managing Director, Bihar State Building Construction Corporation Limited, Bihar, Patna.
3. Sisir Sinha, father's name not known to the petitioner, the Chairman, Bihar State Building Construction Corporation Limited, Bihar, Patna.
4. Mithilesh Kumar Mishra, father's name not known to the petitioner, the General Manager (Administration), Bihar State Building Construction Corporation Limited, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the BSBCCCL : Mr. Tej Bahadur

Mr. Brisketu Sharan Pandey

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 01-12-2017 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner has sought initiation of contempt proceeding for non-compliance of the order dated 16.10.2015 by which at paragraph No. 7, the impugned order terminating the service of the petitioner had been quashed only on the ground of violation of principle of nature justice and the petitioner, in view of such order has been held to be entitled for being taken back in service.



Learned counsel for the petitioner submits that he was not taken back in service, but the show-cause of the petitioner was considered and by an order contained in Memo No. 3635 dated 01.12.2015, the opposite parties rejected the claim of the petitioner, but since he was not taken back in service, they were not absolved from having violated the terms of the order of the Writ Court.

On the last occasion when the case was taken up, there was no show-cause on record, but today a show-cause has been filed which is said to have been affidavited earlier bringing on record the order dated 01.12.2015, by which after due consideration of the case of the petitioner, a punishment order has been issued against him and the same has already been challenged by the petitioner in a subsequent writ application.

Soon after the order of quashing of the order of termination was passed, the opposite parties took steps to consider the show-cause of the petitioner as directed in the order and have passed the order dated 01.12.2015. Thus, it cannot be said that only because the petitioner had not been permitted to join would, their actions would be squarely contemptuous as no useful purpose would have served by bringing him back in service for a period of only one month.



In the result, the contempt application is not maintainable any further and is disposed of.

(Anjana Mishra, J)

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