

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2238 of 2017

In

Civil Writ Jurisdiction Case No. 6102 of 2016

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Binod Kumar Jha Son of Late Ugra Mohan Jha Resident of Village -
Bangaon Purbari Tola, P.S. Bangaon, District - Saharsa, presently resident
of Mohalla - C/o Brajesh Kumar (Advocate), Maa Anandmai Colony,
Khojaimli, P.S. Phulwarisharif, District - Patna.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Irrigation Department,
Bihar, Patna.
2. Mr. name not known, The Principal Secretary, Minor Water Resources
Department, Bihar, Patna.
3. Mr. name not known, The Principal Secretary, Water Resources
Department, Bihar, Patna.
4. Mr. name not known, Additional Secretary, Minor Irrigation Department,
Bihar, Patna.
5. Manish Kumar Manjul, son of not known to the petitioner, presently
posted as Executive Engineer, Minor Irrigation Division Arwal, P.S.-
Arwal, District- Arwal.

.... Opp.Parties.

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Adv.

For the Respondent/s : Mr. Jitendra Kumar, AC to AAG-14

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

5 07-03-2018

Heard learned counsel for the parties.

The writ petition was disposed of with the direction to the
respondents to consider the claim of the petitioner for grant of 3rd
MACP with effect from 2.3.2009 and pass appropriate orders in
accordance with law and while passing such order this Court took
notice of the fact that entitlement of the petitioner accrued in 2009.

A show cause is filed and it is taking refuge to a
departmental proceeding initiated against the petitioner that the
department has decided to keep the claim in abeyance subject to



outcome of the proceedings. Such is the order of the State bearing Memo No. 4059 dated 22.9.2017 enclosed at Annexure 'A' to the show cause.

Whether or not the claim of an incumbent can be kept in abeyance on account of initiation of a disciplinary proceeding and whether the order is in tune with the statutory prescriptions, cannot be deliberated in a contempt proceeding.

The petitioner, if so advised, can question the decision in an appropriate proceeding before an appropriate forum.

The contempt application is disposed of.

(Jyoti Saran, J)

Surendra/-

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