

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1577 of 2017

In

Civil Writ Jurisdiction Case No. 11419 of 2015

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Raj Kumar Roy, Son of Late Dukhan Roy, Resident of Nand Gola, Police
Station- Malsalami, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sri Chaitanya Prasad, the Principal Secretary, Urban Development and Housing Department, Vikas Bhawan, Patna.
3. Patna Municipal Corporation through Sri Abhishek Singh, the Municipal Commissioner Maurya Lok, Patna.

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Yogendra Prasad Sinha, AAG-7

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

5 18-04-2018 Heard the parties.

Vide judgment and order dated 30.09.2016 the writ petition was disposed of with a direction to the Municipal Commissioner, Patna Municipal Corporation to consider the grievance of the petitioner and pass appropriate orders for payment of arrears of subsistence allowance/admissible pay and allowances as the case may be, as found admissible which order was to be passed within six weeks of receipt/production of a copy of the order.

On failure to ensure compliance that this contempt application was filed and when a show cause is filed on behalf of the Municipal Commissioner enclosing an order bearing



Memo No.7102 dated 24.7.2017, whereby the subsistence allowance admissible to the petitioner has been allowed and the order for payment has been issued. The show cause also encloses an order bearing Memo No.240 dated 21.3.2018 disbursing the amount so quantified.

According to Mr. Rupak Kumar, learned counsel appearing for the petitioner the petitioner on revocation of the suspension becomes entitle to the pay and allowance and thus the payment of subsistence allowance would not satisfy the requirements. He thus seeks leave to question the order enclosed in the show cause dated 24.7.2017 in an appropriate proceeding.

Permission is allowed.

The contempt application is accordingly disposed of.

(Jyoti Saran, J)

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