

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 3378 of 2016

In

Civil Writ Jurisdiction Case No. 13975 of 2011

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Mahendra Baitha Son of Late Tidhari Bitha, resident of Village- Baijnathpur (Rambagh) Chhauradano, P.O. + P.S.- Chhauradano, District- East Champaran.

... .. Petitioner

Versus

1. The State of Bihar.
2. Shri Arun Kumar Singh, Principal Secretary, Department of Water Resources, Government of Bihar, Patna.
3. Shri Rajesh Kumar, Engineer-in-Chief, Department of Water Resources, Government of Bihar, Patna.
4. Shri Tej Narain Ram, Chief Engineer (Mechanical), Department of Water Resources, Government of Bihar, Patna.
5. Shri Ramashankar Dwivedi, Superintending Engineer (Mechanical), Irrigation Mechanical Circle, Department of Water Resources, Muzaffarpur, District- Muzaffarpur.
6. Shri Mukteshwar Pandey, Executive Engineer (Mechanical), Irrigation Mechanical Circle, Department of Water Resources, Muzaffarpur, District- Muzaffarpur.

... .. Opp. Parties

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Appearance :

For the Petitioner/s	:	Mr. B.J.Jha, Adv.
		Mr. Binod Kumar Mishra, Adv.
For the Opp. Party/s	:	AC to PAAG-2

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

6. 03-01-2018 Heard Sri B.J.Jha, learned counsel assisted by Sri Binod Kumar Mishra, learned counsel for the petitioner and learned A.C. to Principal Addl. Advocate General – 2.

The present petition was filed with a prayer to initiate contempt proceeding against opposite parties on an allegation of wilful disobedience to an order dated 25-04-2016 passed in C.W.J.C. No. 13975 of 2011.

In this case, initially, a show cause was filed on behalf of



opposite party no. 1 to 5, wherein, it was indicated that State, against the order passed in the writ petition, had preferred an appeal, however; subsequently, supplementary show cause was filed on behalf of the opposite party no. 5, wherein, it was indicated that in compliance with the order of the writ court and subject to result of L.P.A. No. 332 of 2017, decision has already been taken to grant benefit in compliance with the order of the writ court. By way of filing further show cause on behalf of opposite party no. 5, following fact has been indicated in paragraph – 6:-

“That vide Bill No. 170485180 payment of Rs. 35,996/- was paid towards unutilized leave and on 24.11.2017 vide Bill No.2017/Muz/WAT008/176485249 and vide Bill No. 2017/Muz//WAT008/170485235 amount of Rs. 4,767/- and Rs. 1,63,128/- was paid towards difference of payment.”

It has further been indicated in the show cause that for fixation of pension on revised rate, the same has already been intimated to the Accountant General. Meaning thereby that order has already been complied with.

Considering the fact that order of the writ court has already been complied with and State has filed an appeal and



same is pending and decision has been taken by the authority
subject to the result of the L.P.A., there is no need to further
keep the matter pending.

The petition stands disposed of.

(Rakesh Kumar, J.)

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