

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3401 of 2017

IN

Civil Writ Jurisdiction Case No. 8672 of 2017

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1. Ashok Kumar Jha son of Late Gulab Jha resident of Flat No. - 203, Friends Siddhi Apartment, Hari Shankar Verma Lane, Boring Patliputra Road, Patna - 800013.

2. Deepak Kumar Singh son of Late Shyama Nand Singh resident of Flat No. 102, Saryu Apartment, Buddha Colony, Patna - 800001.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.

2. Mr. Anjani Kumar Singh son of not known the Chief Secretary, Government of Bihar, Patna.

3. Mr. Amir Subhani son of not known the Principal Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Patna.

4. Mr. Amir Subhani son of not known the Principal Secretary, Home Department, Government of Bihar, Patna.

5. Mr. Bimlesh Kumar Jha son of not known the Deputy Secretary, Home (Special) Department, Government of Bihar, Patna.

6. Mr. Amrit Lal Meena son of not known the Principal Secretary, Road Construction Department, Government of Bihar, Patna.

7. Mr. Rajendra Prasad Gupta son of not known Addl. Secretary, Road Construction Department, Government of Bihar, Patna.

8. Mr. Mithilesh Kumar son of not known the Dy. Secretary, Road Construction Department, Government of Bihar, Patna.

9. The State of Jharkhand through its Chief Secretary, Government of Jharkhand, Ranchi.

10. The Secretary, Road Construction Department, Government of Jharkhand, Ranchi.

11. The Secretary, Department of Personnel and Administrative Reform and Rajbhasha, Government of Jharkhand, Ranchi.

12. The Union of India through the Director (S.R.) Department of Personnel and Training, Government of India Lok Nayak Bhawan 3rd Floor, Khan Market, New Delhi.

13. The Secretary Ministry of Personnel Public Grievance and Pensions, Government of India, New Delhi.

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Raj Ballabh Prasad Yadav, AAG 11

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 27-06-2018



It is complaining non compliance of the judgment and order passed in C.W.J.C.No.8672/2017 that this contempt petition was filed.

The writ petition was filed praying for multiple reliefs relatable to restoration of seniority which the petitioners held at the time of their transfer to the State of Bihar from the State of Jharkhand as well for consideration of their respective cases for consequential benefit of promotion to the higher post. The issue raised also fell for consideration before a Division Bench of this Court in **C.W.J.C.No.4756 of 2009 (Aditya Narayan Roy versus the State of Bihar & Ors.)**. Vide judgment and order passed by the Division Bench, the petitioners of the said case were allowed to carry their seniority on mutual transfer from the State of Jharkhand to the State of Bihar on the enforcement of the Bihar Reorganization Act,2000. Though the State moved in S.L.P. against the judgment and order passed by the Division Bench in the case of **Aditya Narayan Roy** (supra) giving rise to S.L.P (Civil) No. 3216 of 2017 but no interim order was passed. It is taking note of the order passed by the Division Bench in the Case of **Aditya Narayan Roy** (supra) that the writ petition was allowed vide judgment and order passed by this Court dated 18.9.2017 which order was subject to the outcome of the pending appeal before the Supreme Court. A delay in implementation of the judgment and order of this Court led to the filing of the



contempt application.

The first of the show cause filed in the present proceedings on behalf of the opposite parties herein reporting compliance was opposed by the learned Senior counsel for the petitioner as a partial compliance to the judgment and order of this Court. On direction so issued that a supplementary show cause is filed on behalf of the Principal Secretary, Road Construction Department on 14.5.2018 and whereby, while informing at paragraph 8 that necessary corrections are being made in the gradation list, it is further informed that appropriate action and process for promotion of the petitioners from the post of Executive Engineer (Civil) to Superintending Engineer (Civil) is going on, in the Department.

Mr. Y.V. Giri, learned Senior counsel for the petitioner does not dispute the position that the petitioners have been restored their seniority which they carried as Executive Engineer on transfer from the State of Jharkhand to the State of Bihar. His submission is that once the Principal Secretary has informed this Court that process for promotion has been undertaken to the post of Superintending Engineer, a time frame may be fixed for the purpose.

In my opinion, in the nature of the order so passed by this Court on the writ petition and taking note of the admission of Mr. Giri regarding restoration of seniority of the petitioners, the order of this



Court stands complied leaving no occasion to pursue with the contempt proceedings.

In so far as the request made by Mr. Giri for fixing a time frame for completion of the process for promotion to the rank of Superintending Engineer is concerned, since it is the own admission of the Principal Secretary, Road Construction Department that process for promotion to the post of Superintending Engineer has already been undertaken by them, let the same be concluded within a reasonable time preferably within 3 months from today.

The contempt application is disposed of.

(Jyoti Saran, J)

Bibhash

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.07.2018
Transmission Date	NA

