

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2628 of 2017

In

Civil Writ Jurisdiction Case No. 2015 of 2015

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Akhilesh Kumar Sharma, son of Late Kedar Nath Sharma, Resident of village- Gorhna, P.O. Neura, P.S. Bihta, District- Patna , presently residing at 405, Surya Laxmi Vila, Ram Jaipal Path, Bailey Road, Danapur, P.S. Rupaspur, District- Patna, the retired Executive Engineer, Building Construction Department, Government of Bihar, Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Sri Anjani Kumar Singh, the Chief Secretary, Government of Bihar, Patna.
2. Sri Chanchal Kumar, son of not known to the petitioner, Presently posted as the Principal Secretary, Building Construction Department, Government of Bihar, Patna.
3. Sri Deepak Kumar Singh, son of not known to the petitioner, Presently posted as Secretary, Labour Resource Department -cum- Additional Departmental Enquiry Commissioner, Niyojan Bhawan, Bailey Road, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Anita Kumari, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

2 07-02-2018

Heard the parties.

Vide judgment and order passed on 6.2.2017 in CWJC

No.2015 of 2015 this Court while quashing the notification bearing No.11452 dated 11.11.2014 whereby the proceeding had been initiated together with the enquiry report, had left it open to the discretion of the State Government, whether or not to proceed afresh against the petitioner but in accordance with law and for which purpose period of 6 months had been granted within which the proceeding had to be concluded failing which



the liberty would stand recalled. The order also takes note of the delay, if any, attributable to the petitioner and which was to be added to the said period. The writ petition was allowed with such liberty.

According to the petitioner, though a proceeding had been reinitiated by the respondents but it has not been concluded within the stipulated time granted by this Court.

Having heard learned counsel for the parties, in my opinion, a default of such nature certainly cannot be an issue of contempt even though it can be assailed in an appropriate proceeding before the appropriate forum.

In the circumstances noted this contempt application is held misconceived and is disposed of accordingly.

(Jyoti Saran, J)

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