

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2453 of 2015

In
Civil Writ Jurisdiction Case No.2422 of 2009

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Abhai Shankar, Son of Shiv Narain Jha, Resident of Mohalla- Vidyapuri,
Ward No.02, P.S. and District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources Development, Govt. of Bihar, Patna, namely Mr. R.K. Mahajan.
2. The Director, Department of Primary Education, Govt. of Bihar, Patna, namely, Mr. Sridhar C.
3. The District Magistrate, Supaul, namely, Sri Baidya Nath Yadav.
4. The District Education Officer, Supaul, namely, Mr. Jahid Ahmad.
5. The District Programme Officer, (Establishment), Supaul, namely Sri S.N. Kanth.
6. The Executive Officer, Nagar Parishad, Supaul, namely, Mr. Sushil Mishra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra
For the Respondent/s : Mr. Subhash Pd. Singh

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

9 10-09-2018 Today a supplementary show cause on behalf of O. P.

No. 4 has been filed.

It appears that the last order dated 28.08.2018 passed by this Court has been able to move the opposite parties towards compliance of the order passed by the learned Writ Court in the year 2009. It is now an admitted position that the petitioner was made to suffer for nine years despite there being an order in his hand of a High Court under Article 226 of the Constitution of India. The impunity with which the opposite parties remained sitting over the order of the learned Writ Court for nine years



cannot be ignored by this Court because such conduct of the opposite parties, who may be responsible for not obeying the order of the learned Writ Court, would result in loss of faith in the common citizens with respect to administration of justice and its effectiveness. Such matters, in the opinion of this Court, are to be dealt with strictly in order to restore that faith.

Now that the petitioner has been paid the subsistence allowance by crediting his Account on 05.09.2018 by a sum of Rs. 4,77,548/- and the consequential orders have been passed, learned counsel for the petitioner has raised an issue saying that because the petitioner remained under suspension without there being any departmental proceeding against him for all these years, he would be entitled for the full salary of the said period during which he could not work because of the order of the suspension.

In the opinion of this Court, since the order of the learned Writ Court does not talk about such payment to the petitioner, it will be now a fresh cause of action for him for which he can seek his remedy as may be advised in accordance with law. This Court sitting in its contempt jurisdiction is not going into this issue.

Having said so, taking note of the list of persons as



contained in Annexure-D to the show cause, this Court would direct the competent authority to proceed against them in accordance with the rules governing their services and conclude the proceeding against them within a period of four months from the date of receipt/production of a copy of this order.

This direction has become necessary as the State has found the persons who were responsible to implement the order of the Court but did not implement the same. They are named in Annexure-D. It is also necessary to restore the faith of common person in the administration of justice. The disciplinary authority shall consider the entire matter on this aspect independently and in accordance with law giving proper opportunity to the persons concerned of hearing and representation.

This contempt application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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