

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.321 of 2016

In

LPA 1245 of 2012

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Md. Qamar Quraishi, S/o Late Md. Yusuf Qureshi, resident of Mohalla-Kadirabad, P.O.- Lalbagh, P.S.- L.N.M.U. Campus, Town & District-Darbhangha.

.... Petitioner/s

Versus

1. The State of Bihar through the Special Secretary Sri R.k.mahajan Department of Health Govt. of Bihar, New Secretariat, Patna-1
2. Sri R.K. Mahajan, the Special Secretary Sri R.k.mahajan Department of Health Govt. of Bihar, New Secretariat, Patna
3. Dr. Ravindra Kumar, the Principal, Darbhanga Medical College and Hospital, Laheria Sarai, Town and District- Darbhanga.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Ms Prakritita Sharma, Adv.

For the Respondent/s : Mr. GP20 Nadeem Seraj

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER
(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

5 04-04-2018 Heard learned counsel for the petitioner and learned counsel for the State.

This application under Sections 10 and 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India has been filed by the petitioner for initiating contempt proceeding against the opposite party nos.2 and 3 for willful and deliberate disobedience to the direction given by this Court in its order dated 20.02.2015 passed in LPA No. 1245 of 2012 whereby the opposite party nos.2 and 3 were directed to



dispose of the representation of the petitioner with regard to his claim of grant of time bound promotion and one assured career progression.

It is submitted by the learned counsel for the petitioner that the opposite parties have not disposed of the representation of the petitioner in true spirit of the order passed by this Court. He submitted that nothing has been said in the order passed by the opposite parties with regard to consequential benefits admissible to the petitioner.

A show cause and a supplementary show cause has been filed on behalf of the opposite party nos.1 and 2. It is categorically stated in the supplementary show cause that for ensuring compliance of the order passed by this Court the case of the petitioner for grant of first time bound promotion and benefit of first A.C.P. was placed before the Departmental Promotion Committee on 05.09.2017 and the Departmental Promotion Committee vide its meeting dated 05.09.2017 cleared the proposal of first time bound promotion and the benefit of first A.C.P. of the petitioner and thereafter vide notification of the Health Department bearing Memo No. 592(17) dated 18.10.2017 the petitioner has been granted first time bound promotion with effect from 01.05.1991 and the benefit of first A.C.P. with effect from



09.08.1999. The aforesaid notification has been annexed as Annexure-B to the supplementary show cause.

In view of the assertions made in the supplementary show cause filed on behalf of the opposite party nos.1 and 2 and the aforestated notification dated 18.10.2017, we are of the opinion that no case for initiation of contempt proceeding against the opposite party nos. 2 and 3 is made out, as the direction given by this Court in the Letters Patent Appeal has duly been complied with.

In case, the petitioner is not satisfied with the decision taken by the opposite parties, he may have other remedies available in law, but in a contempt proceeding no fresh direction can be issued.

Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

(Jitendra Mohan Sharma, J)

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