

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2794 of 2015

IN

Civil Writ Jurisdiction Case No. 1615 of 1997

- =====
1. Raghunath Prasad son of Sri Manik Chand Prasad Village Kontoli (Fatak) P.O. Sasaram, Dist - Rohtas (Sasaram).
 2. Kamlakant Singh son of Sri Awadhesh Singh Village Kushri, P.O. Darigaon, Dist - Rohtas.
 3. Tej Bahadur Singh son of Sri Balkeshwar Singh Village P.O. Barki Mahuli, Via Takla Bazar, Dist - Rohtas (Sasaram).
 4. Upendra Singh son of Sri Jag Narain Singh Village Surharia, P.O. Agarbala, Dist - Rohtas (Sasaram).
 5. Dhananjay Pratap Rai son of Sri Ramakant Rai Vill P.O. Pachpokhari, Dist - Rohtas (Sasaram).
 6. Ram Kumar Singh son of Sri Rajgrihi Singh Vill - Parwan, P.O. Nansai, Dist - Rohtas.
 7. Arun Kumar Singh son of Sri Kameshwar Singh Vill - Atarnigani, P.O. Nasriganj, Dist - Rohtas (Sasaram).
 8. Shivshankar Singh son of Sri Ram Kumar Singh Vill - Bishrampur, P.O. Khuriya Dist - Rohtas (Sasaram).
 9. Girija Shankar Singh son of Sheodhar Singh Vill + P.O. - Nayakgaon, Dist - Rohtas (Sasaram).
 10. Ashok Kumar Singh son of Ram Bilas Singh Vill Kaithim P.O. Bhadokhara, Rohtas (Sasaram).
 11. Rabindra Kumar Singh son of Sri Gorakhnath Singh Vill Sebnai, Dist - Gajipur (U.P.)
 12. Hira Prasad Singh son of Sri Khakhana Singh vill Morika P.O. Dariagabagaon, Dist - Rohtas (Sasaram).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Registrar Cooperative Societies Bihar, Patna.
3. Sri Shiv Narain Rai, Managing Director, Sasaram Bhabhua Central Cooperative Bank Ltd. Sasaram (Rohtas).
4. Sri Satish Kumar Singh Ex Managing Director, Sasaram Bhabhua Central Cooperative Bank Ltd At present posted as District Cooperative Officer, Sitamarhi.
5. Sri Vijay Kumar Mandal, Ex-Chariman Sasaram Bhabhua Central Cooperative Bank Ltd. Sasaram (Rohtas).
6. The Administrator of the Sasaram Bhabhua Central Cooperative Bank Ltd. Sasaram (Rohtas).
7. The Sasaram Bhabhua Central Cooperative Bank Ltd. through its Managing Director, Sasaram (Rohtas).
8. Sri Vijay Bahadur Singh son of not known Assistant
9. Sri Brij Bihari Thakur son of not known Peon
10. Sri Mohan Prasad Singh son of not known Assistant
11. Sri Chandra Shekhar Singh son of not known Peon
12. Sri Chandrama Singh son of not known Peon
13. Sri Kailash Prasad son of not known Peon
14. Sri Bhikhari Pandey son of not known Peon



15. Sri Mangal Singh son of not known Peon
16. Sri Chhotelal Ram son of not known Peon
17. Sri Ramakant Ojha son of not known Peon
18. Sri Birendra Kumar Rai son of not known Peon
19. Sri Sushil Kumar Dubey son of not known Assistant
20. Sri Uma Shankar Shukla son of not known Assistant
21. Sri Md. Zahid Mustafa son of not known Assistant
22. Sri Ram Singh son of Jamuna Pd. Singh
23. Sri Ramendra Pd. Rai son of not known Assistant
24. Sri Satish Kumar Singh son of not known Assistant
25. Sri Awadhesh Singh son of not known Assistant
26. Sri Janki Sharan Singh son of not known Assistant
27. Sri Ajay Kumar Pandey son of not known Assistant
28. Sri Anjani Lal Singh son of not known Assistant
29. Sri Randhir Bahadur Singh son of not known Assistant
30. Smt. Kiran Bala wife of not known Assistant null
31. Sri Sanjay Pratap Singh son of not known Assistant
32. Sri Mahendra Prasad Singh son of not known Assistant
33. Sri Md. Multan Ansari son of not known Assistant
34. Sri Surendra Nath Ojha son of not known Assistant
35. Sri Rana Rudra Pratap Singh son of not known Assistant
36. Sri Bhanu Prakash Shrivastav son of not known Assistant
37. Sri Parmanand Singh son of not known Peon
38. Sri Binoba Shankar Sharma son of not known Driver Serial no. 8 to 38 all respondents through the Managing Director, Sasaram Bhabhua Central Cooperative Bank Ltd. Dist - Rohtas.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. S Raza Ahmad
For the State : Mr. Akok Ranjan, AAG 5
For the Bank : Mr. Bindhyachal Rai

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 24-01-2018

Inter alia, contending that direction issued by the learned Writ Court in CWJC No. 1615 of 1997 on 20.07.2015 has not been complied with this application has been filed for initiating action for contempt.

On a perusal of the order passed by the learned Writ Court goes to show that the claim of the petitioners was directed to be



considered for regularization of engagement at par with Respondent nos. 19 to 38. It is stated that even though the petitioners have been regularized now but salary and other benefits at par with respondent nos. 19 to 38 have not been granted. The petitioners are being paid very low salary, parity is not maintained and therefore contempt be taken.

On the contrary, learned counsel for the Bank argues that parity was with regard to considering the claim for regularization with employees who have completed three years of engagement and as on such consideration now regularization is order, the proceeding be dropped.

Having heard learned counsel for the parties at length, now on the ground of disparity in the salary being paid, I see no reason, nor is this a fit case for initiation of contempt action. The order passed in the Writ Petition is not specific with regard to in what respect parity is to be granted, and if so in what manner. There being serious doubt about various aspects pertaining to grant of parity, it is not a fit case where action for contempt can be taken. Instead, in case any grievance of the petitioners is still subsisting with regard to wilful discrimination in the matter of payment of salary or any other benefit granted, they are at liberty to pursue their cause in the regard afresh in accordance with law.



With the aforesaid findings, this application is disposed of
as this is not a fit case for initiating action for contempt.

(Rajendra Menon, CJ)

mr.l/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	30.01.2018
Transmission Date	

