IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2430 of 2018
In
Civil Writ Jurisdiction Case No.20365 of 2011

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Nawin Kumar, son of Late Mahavir Prasad Sharma, Resident of Mohalla- Atardah Kachchi Pakki Road, Near Mai Asthan, P.O. Ramna, P.S. Sadar, District- Muzaffarpur, the retired Electrician, Tube Well Sub- Division, Bela, Muzaffarpur.

... ... Petitioner

Versus

1. The State of Bihar through Sri Deepak Kumar, The Chief Secretary, Government of Bihar, Patna.
2. Sri Sudhir Kumar, son of not known to the petitioner, Presently posted as the Principal Secretary, Minor Water Resources Department, Government of Bihar, Patna.
3. Smt. Sujata Chaturvedi, wife of not known to the petitioner, Presently posted as the Finance Secretary, Finance Department, Government of Bihar, Patna.
4. Sri Subhash Chandra Singh, son of not known to the petitioner, Presently posted as the Chief Engineer, North Tube Well Wing, Muzaffarpur.
5. Sri Rajani Gupta, son of not known to the petitioner, Presently posted as the Executive Engineer, Tube Well Division, Muzaffarpur.

... ... Respondents

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh, Advocate
		Mr. Pankaj Kumar Singh, Advocate
For the Respondent/s	:	Mr. Manoj Kumar Sinha - GA 9

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

4. 19-12-2018 Learned counsel for the parties are present.

Learned counsel for the petitioner submits that the order as contained in Annexure-A to the show cause filed on behalf of the opposite party Nos. 2, 4 and 5 cannot be said to be in compliance of the order passed by this court on 21.02.2018 in CWJC No. 30 of 2011 and other analogous cases. Learned counsel points out from paragraph-40 of the judgment of this court that this court had specifically directed the Finance Secretary, Department of Finance, Government of Bihar, to consider the various aspect mentioned in the said paragraph but while passing the order as contained in Annexure-A no care has been take to consider the same. It is thus submitted that the order passed by the Finance Secretary is contemptuous.

Learned counsel for the State submits that Annexure-A is a reasoned order and the same has been passed considering all relevant issues.

Be that as it may, in the given facts and circumstances where this court finds that some reasons have been assigned in Annexure-A to the show cause and the case of the petitioners have been considered, though not to their satisfaction, this court would not initiate contempt proceeding only because the order has missed out on one or another aspect pointed out by this court in its judgment dated 21.02.2018. The petitioner will have liberty to challenge the order dated 09.08.2018 as contained in Annexure-A to the show cause, he can raise all such issues which may arise out of the order.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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