

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2022 of 2017

In
Civil Writ Jurisdiction Case No.11936 of 2011

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Bipin Bihari Roy, Son of Shri Rajiv Ranjan Rai, resident of Kamal Bhawan,
Mohalla- New Dasratha, P.S.- Beur, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar, through Chief Secretary, Main Secretariat, Patna.
2. Shri Anjani Kumar, Chief Secretary, Government of Bihar, Main Secretariat, Patna.
3. Shri R.K. Mahajan, Principal Secretary, Human Resources Development Department, Government of Bihar, Vikash Bhawan, Baily Road, Patna.
4. Shri Binodanand Jha, Director, Mass Education, Human Resources, Development Department, Government of Bihar, Baily Road, Patna.
5. Shri Amir Subhani, Principal Secretary, Personnel and Administrative Reforms Department (now known as general Administrative Department) Main Secretariat, Patna.
6. Shri Atul Prasad, Principal Secretary, Social Welfare Department, Government of Bihar, Main Secretariat, Patna.
7. Shri Rama Shankar Prasad Daftuar, Director, Integrated Child Development Services Social Welfare Department, Government of Bihar, Indira Bhawan, Ram Charitra Singh Path, Bailey Road, Patna.

... .. Opp.Parties.

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Appearance :

For the Petitioner/s : Mr. Kishore Kumar Thakur, Adv.
For the Respondent/s : Mr. AC to AAG-15

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

7 28-03-2018 Heard Sri Kishore Kumar Thakur, learned counsel for the
petitioner and learned AC to Addl. Advocate General no.15.

The present petition has been filed for initiating contempt proceeding against Opp.Parties on an allegation of wilful disobedience to an order dated 01.03.2017 passed in C.W.J.C.No.11936 of 2011. By the said order, while allowing the writ petition, respondents were directed to grant benefit of A.C.P. taking into account the past services of the petitioner



prior to retrenchment and grant all consequential benefit.

The present contempt petition was filed on allegation that the order of the writ court was not complied with. However, during pendency of the present petition, a show cause was filed, in which it was indicated that in compliance with the order, the benefit of A.C.P. has already been granted to the petitioner.

However, Sri Kishore Kumar Thakur, learned counsel for the petitioner submits that it is not true compliance of the order of the writ court. He submits that A.C.P. of the petitioner has not been granted as per the pay scale , for which the petitioner was entitled. He submits that the petitioner is entitled for the first A.C.P. in the pay Scale of Rs.5000- 8000/-, however he has been granted the benefit of A.C.P. in the pay scale of Rs.4500-7000/-. To substantiate this discrepancy, the petitioner has also brought a letter on record and a communication issued by the District Programme Officer, Darbhanga, contained in Memo No.270 dated 07.03.2018, by which, according to learned counsel for the petitioner, the persons similarly situated were granted the benefit of A.C.P. considering the pay scale of Rs.5000-8000/- even after issuance of Annexure-C to the show cause filed by Opp.Party no.7.

The Court is of the opinion that such disputed question of



fact may not be dealt with while exercising power of contempt proceeding. If the petitioner feels aggrieved with the scale, on which A.C.P. has been granted, he would be at liberty to avail appropriate remedy.

The petition stands disposed with liberty as indicated above.

(Rakesh Kumar, J)

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