

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.127 of 2018

In

Civil Writ Jurisdiction Case No.14008 of 2016

Umesh Prasad Singh son of Late Ram Khelaban Prasad Singh, resident of Village - Dabhawan, P.O. Dabhawan, P.S. Bhadaur, District - Patna at present residing New Area, Nathchak, Barh, P.O. and P.S. - Barh, District - Patna.

... .. Petitioner

Versus

1. The State Of Bihar
2. Sri S. Suresh Kumar, The Accountant General, Bihar, Patna.
3. Sri Binodanand Jha, The Director, Adult Education Department, Bihar, Patna.
4. Sri Ravi Kumar Singh, The District Adult Education Officer, Begusarai.
5. Smt. Anju Kumari, The Child Development Project Officer, Nagarnausa, Nalanda.
6. Sri Ramashankar Prasad Jasuar, The Director, I.C.D.S. Social Welfare Department, Bihar, Patna.
7. Sri Animesh Parasar, The District Magistrate, Rohtas, Sasaram.
8. Sri Ashok Kumar Choudhary, The District Programme Officer, Rohtas, Sasaram.
9. Sri Ashok Kumar Choudhary, In- Charge The District Welfare Officer, Rohtas, Sasaram.
10. Smt. Pratima Araya, The Child Development Project Officer, Shivsagar, Rohtas, Sasaram.
11. Sri Sanjay Kumar, The Treasury Officer, Sasaram, Rohtas.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Verma, Adv.
For the Accountant General : Mr. Satyendra Kumar Jha, Adv.
For the State : Mr. Rakesh Narayan Singh, A.C. to AAG-15

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 18-10-2019

This application has been filed under Article 215 of
the Constitution of India and Section 12 of the Contempt of Courts



Act, 1971 for initiating a contempt proceeding against the opposite party no.10 for her willful disobedience to the order dated 24.03.2017 passed in CWJC No. 14008 of 2016.

2. By the aforesaid order dated 24.03.2017, this Court had directed the petitioner to file representation regarding any calculation error in pensionary benefits paid to him before the respondent no.10 within four weeks and in case of filing of such a representation, the respondent no.10 was directed to dispose of the same by passing a reasoned order within a period of eight weeks.

3. The petitioner contended that though the representation was filed in time, the same was not disposed of by the respondent no.10 within the time granted by this Court vide aforesaid order dated 24.03.2017.

4. As notices were sent to respondent no.10 earlier and inspite of service of notice, she had failed to appear either in person or through her counsel, by order dated 26.09.2019 a bailable warrant of arrest was issued against her to ensure her appearance before the Court.

5. Pursuant to the order passed by this Court, the respondent no.10 has appeared before the Court in person. She has filed a show cause wherein she has categorically stated that the order passed by this Court has already been complied with but,



unfortunately, due to some communication gap, information in this regard could not be supplied to the conducting counsel earlier. She has further contended that the representation was filed by the petitioner on 04.04.2017 and the same was disposed of by a reasoned order on 19.04.2017.

6. The aforesaid reasoned order dated 19.04.2017 has been brought on record as Annexure-A to the reply to the show cause.

7. Having gone through the reply filed by the respondent no.10, learned counsel appearing for the petitioner has tried to argue that the order passed by the respondent no.10 on 19.04.2017 is erroneous. He has also tried to persuade the Court that there still remains certain dues to be paid to the petitioner.

8. Since there was no direction by this Court to pay certain amount and the only direction was to dispose of the representation filed by the petitioner within stipulated period, which has duly been complied with, in my considered opinion, no case for initiating contempt proceeding against the respondent no.10 is made out.

9. The application is dismissed.



10. However, the petitioner, if so advised, would be at liberty to challenge the order dated 19.04.2017 passed by the respondent no.10 by way of filing an appropriate application.

11. Respondent no.10 is discharged from the liabilities of the bond. Her personal appearance is dispensed with.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	21.10.2019
Transmission Date	

