

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 2375 of 2016

Along with

Interlocutory Application No. 1 of 2019

Arising out of

Civil Writ Jurisdiction Case No. 15816 of 2013

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Basant Kumar Singh aged about 63 years, Son of Late Shiv Kumar Singh, Resident of Flat No. 202, Lalita Apptt., Mithapur, B-Area, Patna and Permanent Resident of Village + Post Office + P.S. Shukhpur, District-Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department Animal Husbandry and Fisheries, Government of Bihar, Patna.
2. Mrs. N. Vijay Laxmi, the Principal Secretary, Department Animal Husbandry and Fisheries, Government of Bihar, Patna.
3. Mr. Santosh Kumar Mall, the Special Secretary, Department of Animal Husbandry and Fisheries, Government of Bihar, Patna.
4. Mr. Anil Kumar Singh, the Director, Dairy Development Directorate, Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar Singh, Advocate
For the State	:	Mr. Pushkar Narain Shahi, AAG 6
		Mr. Dharendra Kumar, AC to AAG 6

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 16-07-2019

Heard learned counsel for the petitioner and learned
AAG 6 for the State.

Re.: Interlocutory Application No. 1 of 2019

2. The present Interlocutory Application has been filed
on behalf of the authorities praying for recall of part of the order
dated 25.06.2019 by which cost of Rs. 25,000/- has been imposed.



3. Learned counsel for the State in support of the Interlocutory Application submitted that on the last occasion, due to inadvertent omission on the part of the authorities in specifically stating with regard to payment of subsistence allowance already having been made to the petitioner, the Court had passed the order. However, he submitted that even from the pleadings of the contempt application, it would be clear that such payment has been made for the reason that nowhere in the entire pleadings, there is any grievance that despite the order of the Court, subsistence allowance, as due to the petitioner, had not been paid. He further submitted that the authorities have also tendered unqualified and unconditional apology for such lapses and have undertaken to be careful in future.

4. Having regard to the aforesaid, the Court finds that a case for recall of the order imposing cost has been made out.

5. Accordingly, the order dated 25.06.2019 stands modified to the extent that the cost of Rs. 25,000/- imposed on the Department and its officers stands recalled.

6. Interlocutory Application No. 1 of 2019 stands disposed off.

Re.: Misc. Jurisdiction Case No. 2375 of 2016



7. The present application has been filed alleging willful and deliberate disobedience of the order dated 18.09.2013 passed in CWJC No. 15816 of 2013.

8. By the said order, the Court had basically directed that the authorities would conclude the departmental proceeding expeditiously and further that whatever subsistence allowance is to be paid, the same should be cleared immediately.

9. From the show cause filed on behalf of the opposite party no. 2 today, it transpires that prior to the filing of the contempt application, up-to-date payment of subsistence allowance has been made to the petitioner. It has further been stated that final orders in the departmental proceeding have been passed on 18.10.2016. Learned counsel referred to the earlier show cause filed on behalf of the opposite party no. 2, in which copy of the said order has been made Annexure-E.

10. In the aforesaid background, as nothing remains, the application stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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