

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4041 of 2016

In
Civil Writ Jurisdiction Case No.9798 of 2008

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Rajani Kant S/o Late Ram Prit Paswan, R/o Mohalla- Radha Krishn Nagar,
Kabir Chouk, Ward No. 13, Ganjala Saharsa, P.S. and District- Saharsa.
Retired from the post of Assistant Registrar, Co-operative Department,
Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Sri Sudhir Kumar, the Principal Secretary,
Department Of Agriculture, New Secretariat, Bihar, Patna
2. Sri Himanshu Kumar Ray, the Administrator, Bihar State Agriculture
Marketing Board (dissolved), Pant Bhawan, Bailey Road, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma, Advocate
For the Opposite Party/s : Mr. Sarvesh Kumar Singh, AAG-13

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 28-08-2019 Alleging non-compliance of this Court's order dated

13.05.2014, passed in Cr. Misc. No. 9798 of 2008, this contempt
application has been filed. In the said judgment and order dated
13.05.2014, the question of applicability of Assured Career
Progression (ACP) to the employees of erstwhile Bihar State
Agriculture Marketing Board (since dissolved) was under
consideration.

The writ petition was filed by some of the employees
of the Board (not this petitioner). The order of this Court was,
however, made applicable in respect of all similarly
circumstanced employees.

Show cause replies have been filed on behalf of



opposite parties from which it transpires that in the light of the order of this Court, violation of which is being complained of, the case of the petitioner for grant of ACP was taken up. He has been allowed first ACP but has been denied second ACP.

Petitioner has attempted to persuade this Court that the benefit of second ACP has been wrongly denied to the petitioner and the stand for denying the said benefit, which have been taken on behalf of opposite parties, are self contradictory.

This is an admitted fact that the benefits arising out of grant of first ACP has been given to the petitioner. If the opposite parties have decided not to allow second ACP to the petitioner, in contempt jurisdiction, this Court is not required to go into the legality of such decision. If, according to the petitioner, benefit of second ACP has been wrongly denied to him, he will have liberty to question the same in accordance with law by filing appropriate application.

In my view, considering the subsequent conduct of the opposite parties, no case of deliberate disobedience of this Court's order is made out.

The contempt case stands dropped accordingly.

Rajesh/-

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(Chakradhari Sharan Singh, J)

