

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2994 of 2016
In
Civil Writ Jurisdiction Case No.9551 of 1998

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Anil Kumar Son of Late Nawakl Kishore Prasad R/o- Banskothi, Jangli Pir,
P.s- Digha Dist- Patna

... .. Petitioner

Versus

1. Life Insurance Corporation Of India Through Its Chairman Namely S. K. Rai
2. The Zonal manager, LIC of India Eastern Zonal office Calcutta, now Patna namely Vipin Anand,
3. The Sr. Divisional manager LIC Bhagalpur divisional office Namely Md. Sohail Ahmad,
4. The branch Manager, Munger Branch office LIC Namely D. Basu

... .. Opposite Parties

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Appearance :

For the Petitioner :	Mr. Siddhartha Prasad, Advocate
For the Opposite Parties :	Mr. Umesh Prasad Singh, Senior Advocate
	Mr. Rakesh Kumar, Advocate
	Mr. Nilanjan Chatterjee, Advocate
	Mr. Sahil Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

11 14-08-2019 This contempt application has been filed seeking initiation of contempt proceeding against the opposite parties and punishing them for willful disobedience of an order of this Court, dated 25.03.2015, passed in C.W.J.C. No. 9551 of 1998.

By the said order, dated 25.03.2015, an order, dated 18.09.1997, imposing punishment of censure as well as order of the appellate authority, was quashed and the Life Insurance Corporation of India (LIC) was directed to open the sealed



cover and consider the petitioner's case for promotion to the post of Higher Grade Assistant with effect from 21.09.1996. In paragraph 16 of the order, it was indicated that the petitioner's case for promotion to Higher Grade Assistant with effect from 21.09.1996 shall be considered as if there was no punishment ever imposed upon him. The Court had further directed that the petitioner would also be entitled for benefits consequential to grant of promotion to the post of Higher Grade Assistant with effect from 21.09.1996, if such promotion was granted after opening the sealed cover to consider his case for promotion.

It is not in dispute that after opening sealed cover and considering the petitioner's case for promotion, he has been allowed promotion to Higher Grade Assistant with effect from 21.09.1996. Consequent upon grant of promotion to the post of Higher Grade Assistant with effect from 21.09.1996, he has been paid the difference of salary with arrears.

The petitioner has a grievance, however, that his promotion to the rank of AAO has been adversely affected and he has been given such promotion with effect from 02.01.2012, though he was entitled to such promotion from an earlier date. It is his case that persons junior to him have been granted such promotion from dates prior to 02.01.2012. Mr. Siddhartha



Prasad, learned counsel appearing on behalf of the petitioner, has submitted that grant of promotion to the petitioner with effect from a date, subsequent to dates with effect from which other persons even junior have been allowed such promotion, amounts to disobeying this Court's order because the opposite parties have apparently not wiped off completely the consequence of the order of punishment, despite this Court's observation and judgment.

The submission, which has been made on behalf of the petitioner, as noted above, on the point of date of promotion to the rank of AAO, cannot be said to be constituting deliberate disobedience of the order of the Court. For the purpose of proceeding in the present case, there was no specific direction in the order of this Court dated 25.03.2015 to consider and grant the petitioner promotion to the rank of AAO from any particular date. Since, in my view, no case of deliberate disobedience of the order of this Court is made out, this contempt case is dropped.

The petitioner shall, however, have liberty to question the correctness of the decision of the opposite parties whereby he has been granted promotion to the post of AAO with effect from 02.01.2012, despite his legal entitlement to get the



promotion with effect from an earlier date.

(Chakradhari Sharan Singh, J)

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