

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 3333 of 2015

Arising out of

Civil Writ Jurisdiction Case No. 4417 of 2005

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Triveni Das Son of Late Kartik Das Resident of Mohalla- Sarai Dhela, Post-
Sarai Dhela, P.S.- Sarai Dhela, District- Dhanbad.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Mines and Geology, Government of Bihar, New Secretariat, Patna.
2. Sri Chaitanya Prasad, fathers name not known to the Petitioner, Principal Secretary (Mines and Geology), Department of Mines and Geology, Government of Bihar, New Secretariat, Patna.
3. Sri Santosh Kumar Satyapathi, fathers name not known to Petitioner, Principal Secretary, Department of Mines and Geology, Government of Jharkhand, Nepal House, Ranchi.
4. Sri Sushil Kumar, fathers name not known to the Petitioner, Under Secretary (Mines and Geology), Department of Mines and Geology, Government of Bihar, New Secretariat, Patna.
5. The Bihar Public Service Commission, Bihar, Patna through its Secretary.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Akashdeep, Advocate
For the State of Jharkhand	:	Mr. Satyavrat Verma, Advocate
For the BPSC	:	Mr. Sanjay Pandey, Advocate
For the Mines	:	Mr. Brij Bihar Tiwari, Advocate

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

ORAL JUDGMENT

Date : 02-07-2019

Heard learned counsel for the petitioner; learned AC to
Special PP Mines and Mr. Satyavrat Verma, learned counsel for
the State of Jharkhand.

2. The petitioner has moved the Court alleging non
compliance of the order dated 30.01.2012 passed in CWJC No.
4417 of 2005.



3. By the said order, the authorities in the State of Bihar were directed to consider the petitioner for promotion to the post of Assistant Mining Officer from the date of his officiation on such post. It was further directed that if the petitioner was allowed such promotion, he would also be given consequential benefit of such promotion and the authorities of the State of Bihar shall bear the financial burden. From the materials on record, it appears that after considering the case of the petitioner, such promotion to the post of Assistant Mining Officer has been granted to him from the date of officiation and monetary benefits also granted.

4. At this juncture, learned counsel for the petitioner submitted that a subsequent promotion to the post of District Mining Officer is also due but has not been granted and would be covered by the direction of granting consequential benefits.

5. Learned counsel for the State of Jharkhand submitted that it has also paid its share with regard to the financial liability for the period the petitioner had served under it.

6. The Court without commenting on the merits of the claim would only observe that in a proceeding for alleged contempt, the Court would not go beyond what is actually written and directed in the order whose violation is complained of. In the present case, there was a specific direction for consideration of



promotion to the post of Assistant Mining Officer and consequential benefits of such promotion indicating that the financial burden of such promotion shall be borne by the authorities of the State of Bihar. It is not in dispute that pursuant to the promotion to the post of Assistant Mining Officer, financial liabilities have also been discharged by the authorities of the State of Bihar.

7. In such view of the matter, no contempt is made out and accordingly, the application stands disposed off.

8. However, it shall be open to the petitioner to move before the appropriate authority, in accordance with law, with regard to any further promotion he may claim is due to him.

(Ahsanuddin Amanullah, J.)

P. Kumar

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