

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No.1891 of 2017**

**In**  
**Letters Patent Appeal No.17 of 2016**

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Tej Narain Lal S/o late Harakh Lal Resident of Village- Nain Chak, P.S. Khagaul, Distt Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar, Represented Through The Chief Secretary, Govt. Of Bihar, Old Secretariat Building, Patna namely Sri Anjani Kr. Singh
2. Sri Rama Shanker Singh, the Executive Engineer, Public Health Division, Hilsa (Nalanda).
3. Sri Balmiki Mandal the Superintending Engineer Patna Circle, At Raj Banshi, Nagar, Patna- 800023.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Tilak Sao  
For the Opposite Party/s : Mr.S. Raza Ahmad - Aag 5

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**and**  
**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)**

8      13-03-2019                      Heard learned counsels for the parties.

The present application was filed for initiation of a contempt proceeding for willful violation of order dated 22.12.2016 passed in LPA No. 17 of 2016.

The petitioner being workman, raised dispute under Section 10 of the Industrial Disputes Act, 1947 alleging therein that he joined the services of Public Health Engineering Department on 25.8.1990, but suddenly vide letter dated 20.02.1991, his services were dispensed with.



The learned Labour Court answered the reference against the State holding the service of the petitioner having been dispensed with on an allegation of unauthorized absence but without any enquiry being conducted. In view of the said fact, the termination was set aside and the petitioner was ordered to be reinstated. The award was challenged in the writ proceeding, which was dismissed. However, the order of the writ Court was challenged in LPA by the State of Bihar, wherein this Court passed the following order:

“5.Learned counsel for the respondent states that the respondent will not claim for back wages from the date of termination till the date of reinstatement, if he is reinstated within one month from today.

6.In view of the said fact, the present Letters Patent Appeal is dismissed with the condition that if the workman is reinstated within one month from the date of receipt of a certified copy of this order, he shall not be paid any back wages for the period of his termination till the date of reinstatement, otherwise the order of the learned Single Bench will be operative.”

It is submitted by Mr. S. Raja Ahmad, learned AAG 5 that the order under contempt passed by the Division Bench has already been complied with.



The contention of learned AAG is not controverted by the learned counsel for the petitioner but he submits that let the present proceeding be disposed of with liberty to raise the issue of miscalculation of the entitled amount of the petitioner.

In the circumstances, this application is disposed of with a liberty to the petitioner to raise the issue before the appropriate authority, if there is mistake in the calculation of the entitled amount of the petitioner.

It appears that this Court in order dated 9.1.2019 observed that if the entire due amount of the petitioner is not paid within three weeks then the O.P. Nos. 2 and 3 will not draw their salary after three weeks. Since the present proceeding is disposed of, the order dated 9.1.2019 stands vacated.

**(Dinesh Kumar Singh, J)**

**( Anil Kumar Upadhyay, J)**

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