

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.706 of 2016

In

Civil Writ Jurisdiction Case No.2024 of 2008

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Kaushal Kumar Verma Son of Late Tulsi Narayan Labh resident of Village
Dhurlakh, Police Station Warish Nagar, District Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sri Amrit Lal Meena, the Principal Secretary, Urban Development and Housing Department, Vikas Bhawan, Patna.
3. Sri Sudhanshu Kumar Chaubey, the Secretary, Bihar State Housing Board, having its office in 6 Mangles Road, Police Station Sachivalaya, District - Patna.
4. Sri Umesh Chandra Upadhyay, the Accounts Officer, Bihar State Housing Board, 6 Mangles Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rupak Kumar, Advocate
For the State	:	Mr.Pankaj Kumar, AC to GA 9
For BSHB	:	Mr. Rabindra Kumar Priyadarshi, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 03-01-2019

Heard learned counsel for the parties.

Having regard to the limited scope of contempt jurisdiction the Court is not inclined to enter into the various submissions advanced by Mr. Rupak Kumar, learned counsel appearing for the petitioner. The area of consideration in contempt is confined to the order passed by the Writ Court. The relevant part of the direction issued by the Writ Court on 12.09.2014 in CWJC No. 2024 of 2008 reads as follows:-

“The petitioner submits that in any view of the matter such amount cannot be directed to be recovered



without affording him opportunity of hearing. The petitioner is also aggrieved by order dated 13.10.2011, whereby his representation for grant of ACP has also been declined.

In the facts and circumstances of the case, the petitioner is permitted to file a representation before respondent no.10/11 stating that the deduction of the said amount is unjustified. The petitioner must file his representation within four weeks from today, which would be disposed of by respondents in accordance with law within further four weeks.

Till passing of the fresh order, the interim order dated 21.2.2008 staying the recovery would continue.”

Mr. Rupak Kumar tried to canvass before this Court that representation was disposed of by the opposite party but they have not considered the grievance of the petitioner as to ACP. Referring to paragraph-2 of the order dated 12.09.2014 he submits that the Court directed the opposite party to consider his representation for grant of ACP. The order dated 12.09.2014 couched in plain and simple language is quoted hereinabove for ready reference. Paragraph-2 of the order is only the submission of the petitioner and not the direction of the Court.

Keeping in view the judgment of the Apex Court in the case of ***Union of India & Ors. Vs Subedar Devassy [(2006) 1 SCC 613]*** this Court is unable to enlarge the jurisdiction sitting in contempt. However, liberty shall be available to the petitioner to



approach the appropriate forum/court for redressal of his grievance
as to non-consideration of his case with regard to ACP.

With the aforesaid, this MJC application stands disposed
of.

(Anil Kumar Upadhyay, J)

mrl./-

AFR/NAFR	NAFR
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