

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 3803 of 2018

Arising out of

Miscellaneous Jurisdiction Case No. 5215 of 2011

=====

Ravindra Kumar Gupta @ Rabindra Kumar Gupta, Son of Sundar Sah
resident of Village Bansdila, Police Station Kopa, District - Saran.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Home Affairs Government of India, New Delhi.
2. Sri K.T. Thapar, the Secretary, Ministry of Defence, Government of India, New Delhi.
3. Sri Lokesh Minocha, the Commanding Officer, 890, Army Supply Core Battalion C/o 56 A.P.O.
4. Sri P.P. Singh, the Commanding Officer, 2 TRG Battalion, Army Supply Core Centre North, Paharpur, Gaya.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ravindra Nath Dubey and Ms. Punam Kumari, Advocates
For the UOI	:	Mr. S.D Sanjay ASG Mr. Rajesh Kumar Verma, Asst. SG

=====

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

ORAL JUDGMENT

Date : 05-11-2019

Heard learned counsel for the petitioner and Mr. S D Sanjay, learned Additional Solicitor General along with Mr. Rajesh Kumar Verma, learned Assistant Solicitor General for the Union of India.

2. Though, not required, still the following officers were present in Court:

Col. VS Gaur- Djag Court Martial, Army HQ, Delhi;
Col. Varun Luthra, Djag Litigation Central Command, Lucknow;



Lt. Col. Naval Kishore Sharma, ST Dte Army HQ, Delhi and Capt. Anish Muralidhar, DIC Legal Cell, Danapur.

3. Mr. S D Sanjay, learned Additional Solicitor General mainly relied upon a reasoned and speaking order passed by the authorities dated 14.01.2011, which purportedly is in compliance with the order of the Court dated 30.07.2010.

4. Further, the attention of the Court has been drawn to order dated 25.01.2012 passed in LPA No. 56 of 2012, which was filed by the Union of India and others against the order passed in the writ petition in which it has been observed that as the appellants have, in compliance of the direction issued by the learned Single Judge, made the order rejecting the request made by the writ petitioner and the direction issued by the learned Single Judge having been complied with, the appeal was disposed off.

5. Thus, in the considered opinion of the Court, there cannot be any ground to proceed in the matter of contempt for which deliberate and willful violation of any order of the Court has to be proved. In the present case, once the Division Bench has observed that in compliance of the writ Court order, the authorities have rejected the request of the writ petitioner, the present application is not fit to proceed.

6. Accordingly, the same stands disposed off.



7. However, it shall always be open to the petitioner to move before the appropriate forum, in accordance with law, against the order passed against him dated 14.01.2011, which shall be considered on its own merit without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

