

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3919 of 2018

In
Civil Writ Jurisdiction Case No.7960 of 2014

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Ram Nath Upadhyay, Son of Late Bachu Upadhyay resident of village- Karaundi, P.O.- Saraon via Natwar, P.S. Natwar, District- Rohtas at present residing at Mohalla- Anand Nagar, Ward no. 5, West to Mahabir Mandir, Bikramganj, P.O.+P.S.- Bikramganj, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. Mr. Pankaj Jha, District Magistrate, Rohtas at Sasaram
3. Mr. Om Prakash Pal, Additional Collector, Departmental Enquiry, Rohtas at Sasaram
4. Mr. Santosh Kumar, Circle Officer, Kochas, District- Rohtas.
5. Mr. Abhishek Kumar, Circle Officer, Sanjhauli, District- Rohtas.
6. Mr. Nilotpal Goswami, Accountant General, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bibhakar Tiwary
For the Opposite Party/s : Mr.Md. Khurshid Alam - Aag 12

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 03-04-2019 Heard both sides.

The petitioner has filed this contempt petition for initiation of a contempt proceeding against the District Magistrate, Rohtas for non-compliance of the order dated 24.08.2017, passed in CWJC No.7960 of 2014.

This Court vide order dated 24.08.2017 remitted the matter to the disciplinary authority to hold departmental enquiry afresh in accordance with law and the procedure as laid down in the Bihar Government Servants (Classification, Control



& Appeal) Rules, 2005 and also give finding about the initiation of the proceeding after four years from the date of retirement of the petitioner.

Learned counsel for the petitioner submits that of course the District Magistrate vide Order No.61 as contained in Memo No.884, dated 17.11.2017 initiated the departmental proceeding but did not record any finding about the initiation of the departmental proceeding after four years from the alleged date of occurrence.

I am of the view that the ground, which is canvassed by the learned counsel for the petitioner, can be raised during the departmental proceeding. I find that there is no violation or non-compliance of the order passed by this Court. Accordingly, the contempt petition is dismissed.

(Prabhat Kumar Jha, J)

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