

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4132 of 2018

In
Civil Writ Jurisdiction Case No.8843 of 2015

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Dr. Krishna Prasad Modi @ Krishna Prasad Modi Son of Late Narayan Modi,
Resident of Mohalla Line Bazar in front of Sadar Hospital Purnia District
Purnia, Pin- 854301.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, New Secretariat, Patna
2. Mr. Sanjay Kumar, Principal Secretary, Health Department, Government of Bihar, New Secretariat, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh
For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 22-01-2020

Heard learned counsel for the petitioner.

2. Nobody appears on behalf of the State. However,
a show cause has been filed on behalf of the O.P. No. 2.

3. The instant contempt application has been filed
by the petitioner for punishing the opposite parties under the
contempt of Courts Act, 1971 for their willful disobedience of
the order dated 19.08.2017 passed by this Court in C.W.J.C. No.
8843 of 2015.

4. The operative part of the order dated 19.08.2017
passed in C.W.J.C. No. 8843 of 2015 reads as under:-

“Having regard to the nature of claim,



the writ petition is disposed of with a direction to the petitioner to file a representation before the Principal Secretary, Health Department, Government of Bihar, Patna within a period of four weeks from today raising his claim regarding counting of period for the purpose of pension. In case such a representation is filed, the Principal Secretary, Health Department, Government of Bihar shall be required to examine the same and pass a reasoned order within two months. In case, the claim of the petitioner is found admissible, consequential order for payment of the retrial dues be also issued within the aforesaid period of two months. In case, the claim of the petitioner is rejected, the order shall be communicated to him on his postal address.”

5. It would appear from the show cause filed on behalf of the O.P. No. 2 that after receipt of representation of the petitioner, filed in compliance of the above said order dated 19.08.2017, the Principal Secretary, Health Department, Govt. of Bihar duly examined the representation and passed a reasoned order on 24.01.2018

6. From perusal of the reasoned order, it would



transpire that vide Memo No. 11(3) dated 09.01.2018, the necessary direction had already been issued to the Accountant General, Bihar clarifying the position for regularization for the period from 22.12.1995 to 05.12.1999 and also to calculate entire service period and revise the pensionary benefits of the petitioner.

7. Vide reasoned order, it was decided that the benefits of ACP will also be granted to the petitioner in accordance with law. Thereafter, vide order dated 20.04.2018, the petitioner has been granted 1st and 2nd ACP as per his entitlement. Subsequently, the petitioner has also been informed vide Health Department's Letter No. 948(3) dated 11.12.2018 about his disentitlement of 3rd ACP.

8. Learned counsel appearing for the petitioner submitted that the decision of the Health Department not to extend the benefits of 3rd ACP to the petitioner is bad in law, and as a matter of fact, the petitioner ought to have been extended the benefits of 3rd ACP also.

9. In the opinion of this Court, the contempt petition is totally misconceived. There was no direction in the writ petition that the petitioner shall be directed the benefits of 3rd ACP.



10. In that view of the matter, if the benefits of 3rd ACP were not granted to the petitioner, the same cannot be treated in any manner to be a disobedience of the order passed by this Court.

11. In case, the petitioner is aggrieved in any manner by the reasoned order passed by the O.P. No. 2, the same may give him a fresh cause of action, but it would not entitle him to invoke contempt jurisdiction of this Court.

12. The instant contempt application, being devoid of any merit, is dismissed.

rohit/-

(Ashwani Kumar Singh, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

