

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.905 of 2018

In

Civil Writ Jurisdiction Case No.11816 of 2014

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Phani Bhushan Prasad, Son of Late Babu Sadhu Saran Prasad, C/o Sri Nutan Prasad R/o Sector-D, House No.166, People Co-operative Colony, Lohiyanagar, Kankarbagh, P.S.- Kankarbagh, Distt. - Patna

... .. Petitioner

Versus

1. The State of Bihar
2. Sri Amrit Lal Meena, The Principal Secretary, Road Construction Department, Govt. of Bihar, Patna
3. Sri Laxmi Narayan Das, The Engineer-in-Chief-cum-Additional Commissioner cum special Secretary, Road Construction Department, Govt. of Bihar, Patna.
4. Sri Ahmad Hussain, The Executive Engineer, National Highway Division, Gulzarbagh, Patna
5. Sri Suresh Kumar, The Accountant General, Bihar, Patna.
6. The State of Jharakhand through the Principal Secretary, Road Construction Department.
7. Sri Nagendra Nath Sinha, The Principal Secretary, Road Construction Department, Govt. of Jharkhand.
8. Sri Shiv Mangal Tiwary, The District Provident Fund Officer, Dumka, Jharkhand.

... .. Contemnors/Opposite Parties

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Appearance :

For the Petitioner : Mr. Prashant Kumar, Advocate
Mr. Amit Kumar Singh, Advocate
For the Opposite Parties : Mr. Amit Prakash, GA-13

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date : 10-08-2022

The instant application under Article 215 of the Constitution of India read with Sections 11 and 12 of the Contempt of Court Act has been filed by the petitioner for initiating a contempt proceeding against the opposite parties for their wilfull and deliberate violation to the order dated



19.04.2017 passed in C.W.J.C. No.11816 of 2014.

2. The operative part of the order dated 19.04.2017 passed in C.W.J.C. No.11816 of 2014 reads as under:-

“Regard being had to the facts and circumstances of the case, the writ application is disposed of with a direction to the petitioner to file a representation in detail regarding all his left over grievances before the respondent no.3 Engineer in Chief-cum-Additional Commissioner-cum-Special Secretary, Road Construction Department, Government of Bihar, Patna within a period of one month from today. In case of filing of such a representation, the respondent no.3 shall be required to examine his claims and pass a speaking order within a period of three months. If any of his claims is found to be admissible, the payment shall also be made to him within the aforementioned period of three months. In case of refusal of any his claims, the order passed by him should be communicated to him on his address by registered post.

With the aforesaid observations and directions, the writ application is disposed of.”

3. A show cause has been filed on behalf of opposite party nos. 2 and 3 wherein it has been stated in paragraph 5 that



in order to ensure compliance of the order passed by this Court, the opposite party no.3 has already passed a reasoned order vide Memo No.2940 (E) dated 19.04.2018.

4. The aforesaid order dated 19.04.2018 has been brought on record and marked as Annexure-A to the show cause filed on behalf of the opposite party nos. 2 and 3.

5. In view of the above assertions made in the show cause filed on behalf of the opposite party nos. 2 and 3, I am of the considered opinion that no case of initiation of contempt proceeding is made out.

6. In case, the petitioner is aggrieved by the reasoned order passed by the opposite party no.3, he may challenge the same by filing an appropriate application under Article 226 of the Constitution of India.

7. With the aforesaid observation, the application for initiation of contempt proceeding is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.08.2022
Transmission Date	NA

