

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4043 of 2019

In
Civil Writ Jurisdiction Case No.3026 of 2019

Janardan Pandit, Son of Late Budhi Ram, Resident of Village-New Karbigahiya, New Shakuntala Utsav Hall, Bus Stand Road, P.O.-G.P.O., P.S.- Jakkanpur, District- Patna.

... .. Petitioner

Versus

1. The Union of India through East Central Railway, Hazipur, Pin- 800017.
2. Sri Binit Kumar Prabhakar, the Catering Commercial Manager, East Central Railway, Hazipur, Pin- 800017.
3. Sri Ranjan Prasad Thakur, the Divisional Railway Manager, East Central Railway, Danapur, Pin- 800011.
4. Sri Surjit Singh, the Senior D.P.O., East Central, Railway, Danapur, Pin 800011.
5. Sri Aadhar Raj, the Senior Divisional Commercial Manager, East Central Railway, Danapur, Pin- 800011.
6. Sri Aadhar Raj, the Senior Divisional Manager, East Central Railway, Danapur, Pin- 800011.

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Satya Ranjan Sinha, Advocate
For the Opposite Party-UOI: Mr. Manoj Kumar Singh, CGC

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and

HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)
22-06-2022

Heard Mr. Satya Ranjan Sinha, learned counsel for the petitioner and Mr. Manoj Kumar Singh, learned counsel for the Union of India.

This application has been filed by the petitioner for initiating a contempt proceeding against the opposite party nos.2 to 6 for their deliberate and willful disobedience to the direction



given by this Court vide judgment dated 20.02.2019 passed in CWJC No.3026 of 2019.

The contention of the petitioner is that the petitioner had filed CWJC No.3026 of 2019 to quash the order dated 24.09.2018 passed by the Central Administrative Tribunal in O.A. No.126 of 2018 as also to quash the order dated 23.10.2017 passed by the Divisional Railway Manager, Danapur and to direct the concerned opposite parties to pay the amount of gratuity and leave encashment.

Learned counsel for the petitioner submitted that the petitioner was working on the post of Catering Inspector in East Central Railway. After his superannuation on attaining the age of retirement, a huge amount has been recovered by the Railway. He submitted that in terms of the order passed by this Court on 20.02.2019 in CWJC No.3026 of 2019, the petitioner filed a representation before the opposite party nos. 1 and 2. However, they are sitting tight over the matter. Till date, no order has been passed. He contended that by not passing any order on the representation of the petitioner, the opposite parties have clearly defied the order passed by this Court on 20.02.2019 in CWJC No.3026 of 2019.

The opposite parties have filed a show cause to the



contempt petition filed on behalf of the petitioner wherein it has been stated that there was no specific direction of this Court for any answering respondent. The writ petition filed on behalf of the petitioner was dismissed with certain observations. In that view of the matter, there is no question of any deliberate or willful defiance by the opposite parties to the order passed by this Court.

Mr. Manoj Kumar Singh, learned counsel for the opposite parties submitted that an amount to the tune of Rs.13,36,189/- was outstanding against the petitioner while he was working as Catering Inspector in the East Central Railway. The East Central Railway intimated him about the outstanding amount of Rs. 13,36,189/-. The petitioner himself consented that necessary deduction be made from his retirement benefit and rest of the amount may be paid to him. Thus, pursuant to the consent of the petitioner, the amount was deducted. Taking into consideration all the relevant facts, this Court had dismissed the writ petition filed on behalf of the petitioner.

We have heard learned counsel for the parties and carefully perused the record.

On perusal of the order passed by this Court, as contained in Annexure-1, we find that no direction was given to



the respondents to consider the representation of the petitioner and pass order on that. The challenge made by the petitioner to the order passed by the Central Administrative Tribunal in writ petition was dismissed with observation that it would be open to the authority to make any inquiry into the matter or fix the liability accordingly in the event there is any scope for such material so as to indicate the liability on the predecessor of the petitioner.

We are of the view that the said observation was not in the form of any direction to the benefit of the petitioner rather it was for the Railways to initiate proceeding against the predecessor of the petitioner, if any, responsible for committing loss to the East Central Railway.

In that view of the matter, we see no reason to initiate contempt proceedings against the opposite parties. The application being devoid of any merit is dismissed.

(Ashwani Kumar Singh, J.)

(Dr. Anshuman, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.06.2022
Transmission Date	NA

