

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.5082 of 2019

In

Civil Writ Jurisdiction Case No.18779 of 2019

Vijendra Prasad Son of Sohrai Paswan Resident of Mohalla Shree Tola, P.S. Arah, Nawada, Town Ara, District Bhojpur.

... .. Petitioner

Versus

1. The State of Bihar through Mr. Deepak Kumar, the Chief Secretary, Government of Bihar, Patna.
2. Mr. Narmadeshwar Lal, Additional Chief Principal Secretary, Department of Industry, Government of Bihar, Patna.
3. Mr. Pankaj Kumar Singh the Director, Department of Industry, Government of Bihar, Patna.
4. Mr. Prakash Toppo, Deputy Director, Department of Industry, Government of Bihar, Patna.
5. Alakh Kumar Sinha, General Manager, District Industry Centre, Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhilesh Dutta Verma, Advocate
For the Opposite Party/s : Mr. Yogendra Prasad Sinha (AAG-7)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 06-07-2022 The present contempt application has been filed alleging willful disobedience of this Court's order dated 21.10.2019 passed in C.W.J.C. No. 18779 of 2019. The operative portion of the said order dated 21.10.2019 reads as under:-

“17. Consequent upon quashing of the impugned orders and since the action of removal is based on no evidence, it is directed that the petitioner shall be reinstated forthwith and shall be entitled to



payment of all consequential benefits including the full back wages unless the department is of the view that the petitioner was gainfully employed elsewhere during the period when he had remained out of service because of the order of dismissal from service.”

A show cause reply has been filed on behalf of the State of Bihar stating therein that the State has preferred an appeal under the letters patent of this Court giving rise to L.P.A. No. 72 of 2022 which is pending. In the said appeal, the State has also prayed for stay of the order violation of which is being alleged in the present contempt application. It is accordingly the case of the State of Bihar that no case of willful disobedience of this Court's order is made out.

Learned counsel appearing on behalf of the petitioner has submitted that since the State of Bihar has not obtained any order of stay, the State cannot defy this Court's order and, therefore, a case is made out for initiation of the contempt proceeding against the concerned officials of the State.

Since the State of Bihar has preferred appeal, I am not inclined to entertain the present contempt application, as in the Court's opinion, no case of deliberate disobedience of this Court's order is made out.

The contempt proceeding is accordingly dropped.

The petitioners shall be at liberty to take appropriate steps



depending upon the outcome of the letters patent appeal.

(Chakradhari Sharan Singh, J)

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