

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.346 of 2023

In
Civil Writ Jurisdiction Case No.2731 of 2021

=====

Sitaram Rai @ Sitaram Roy, Aged about 60 years, Male, Son of Late Saini Ray, Resident of village and P.O.- Ghoghardiha, Ward no.9, PS- Ghoghardiha, District- Madhubani, at present working as Pump Khalasi Udhbah Sinchai Yojna, Darhi, Minor Irrigation Sub-Division, Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar, Sri Deepak Kumar, The Chief Secretary, Government of Bihar, Patna.
2. Mr. Vinod Singh Gunjiyal, The Principal Secretary, Minor Irrigation Department, Government of Bihar, Patna.
3. Mr. Praveen Kumar, The Joint Secretary (CFMS Incharge) Finance Department, Bihar, Patna.
4. Mr. Alok Ranjan Ghosh, The District Magistrate, Khagaria.
5. Ravindra Kumar Shankar, The Chief Engineer, Minor Irrigation Department, Muzaffarpur.
6. Mr. Niranjan Kumar, The Superintendent Engineer, Minor Irrigation Circle, Munger.
7. Mr. Nawal Kishor, The Executive Engineer, Minor Irrigation Division, Khagaria.
8. Ms. Geeta Singh, The Deputy Secretary-cum-CFMS Nodal Officer, Minor Irrigation Department, Government of Bihar, Patna.
9. Mr. Ajanti Prasad, The Treasury Officer, Khagaria.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Ajit Kumar (GA- 9).

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

2 13-10-2023 This Court has come across time and again in respect of non-compliance of the order of this Court within the time limit stipulated. In the present case, order is dated 28.01.2022 passed in C.W.J.C. No.2731 of 2021. On 28.01.2022, the following order was passed in C.W.J.C. No.2731 of 2021:



“Short question for consideration is whether the petitioner is entitled for arrears of salary from November, 2018 till date and continue to get the salary or not? In this regard, grievance of the petitioner is pending consideration before the concerned respondent.

The concerned respondent is hereby directed to pass a speaking order as to whether petitioner is entitled to arrears of salary from November, 2018 till date and continue to entitlement of salary or not. The speaking order shall be passed and communicated to the petitioner. If the petitioner is entitled to arrears of salary the same shall be calculated and disbursed to the petitioner. The above exercise shall be completed within a period of one month from the date of receipt of this order.

With the aforesaid observations, the present writ petition stands disposed off.”

2. Whereas examination of the petitioner’s claim was on 18.03.2023, which is evident from Annexure-C to the show cause filed on behalf of the respondents. Firstly, there is no application for extension of time to consider the grievance of the



petitioner on behalf of the respondents, i.e. before lapse of time stipulated in the order dated 28.01.2022.

3. Learned counsel for the respondents submitted that this order dated 28.01.2022 was made known to the concerned official respondents in the month of September, 2022. The same cannot be acceptable for the reasons that as on 28.01.2022, the date on which order was passed in C.W.J.C. No.2731 of 2022, respondents were represented by Mr. Ajit Kumar, GA-9. Therefore, it was duty of the Government Advocate to communicate the decision of this Court within a reasonable period of time. Assuming that the official respondents have received the order of this Court dated 28.01.2022 in the month of September, 2022, still there is delay in compliance of the order of this Court as is evident from Annexure-C to the show cause dated 18.03.2023. Therefore, it is a case for initiation of contempt proceedings against the concerned respondent, who is author of Annexure-C dated 18.03.2023. Since orders have been complied, it is not appropriate to initiate the contempt proceedings.

4. On the other hand, it is clear case warranted for imposition of cost. Cost of Rs.10,000/- has been quantified. Cost shall be paid by the Department-Respondents to the Patna



High Court Legal Services Authority within a period of four weeks from the date of receipt of this order.

5. Accordingly, the present M.J.C./Contempt Petition stands dropped reserving liberty to the petitioner to assail the order dated 18.03.2023, in accordance with law, if he is aggrieved.

(P. B. Bajanthri, J)

P.S./-

U			
---	--	--	--

