

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4152 of 2018

In
Civil Writ Jurisdiction Case No.14095 of 2005

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Amardev Hazra, Son of Late Bhikhan Hazra, Resident of Village- Mohalla- Krishna Nagar (near of Ram Lakhan Singh Yadav College, Bettiah), Police Station- Bettiah Muffasil, District- West Champaran (Bettiah).

... .. Petitioner/s

Versus

1. The Bihar State Food and Civil Supplies Corporation Ltd., through the Chairman Cum Managing Director, namely Sri Pankaj Kumar, Sone Bhawan, Birchand Patel Path, Patna-800001
2. Sri Pankaj Kumar, the Chairman cum Managing Director, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, Birchand Patel Path, Patna- 800001.
3. Sri Uday Pratap Singh, the Chief of Administration/Now know post Chief General Manager, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, Birchand Patel Path, Patna- 1
4. Sri Hari Mohan Jha, the District Manager, Bihar State Food and Civil Supplies Corporation Ltd., District Office, Samastipur, District- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Jha, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

9 04-10-2023 In compliance of the order of this Court, 3rd show-

cause affidavit has been filed on behalf of opposite party no.4,

which is taken on record.

2. Heard Mr. Gajendra Kumar Jha, learned counsel for
the petitioner and Mr. Shailendra Kumar Singh, learned counsel
for the Bihar State Food and Civil Supplies Corporation Ltd.

3. The petitioner by filing the present application
seeking initiation of contempt proceeding against the opposite
parties for the alleged willful defiance of the order dated
20.04.2018, passed in C.W.J.C. No. 14095 of 2005, whereby



while allowing the writ application, the Hon'ble Court has been pleased to set aside the order of the Disciplinary Authority as well as the order of the Reviewing Authority. It was further directed for reinstatement of the petitioner in service forthwith with consequential benefits and full salary from the date of dismissal to the date of reinstatement. That apart, the petitioner is also found entitled for full salary for the suspension period.

4. With reference to the averments made in the show-cause affidavit, especially 3rd show-cause affidavit, it is submitted that on being aggrieved, the opposite parties had preferred Letters Patent Appeal, bearing L.P.A. No. 1393 of 2018 and the same was disposed of vide order dated 26.07.2023 by modifying the earlier order of this Court dated 20.04.2018, passed in C.W.J.C. No. 14095 of 2005.

5. It is further submitted on behalf of the opposite parties that since the order has been modified by the learned Division Bench of this Court, thus any order passed by the learned Single Judge has been merged with the order/judgment passed by the learned Division Bench. He next submitted that in compliance of the order of the learned Division Bench, the order has been passed by the Managing Director (Procurement), as contained in Memo No. 6039 dated 09.08.2023.



6. At this stage, it is submitted on behalf of the petitioner that despite the order having been passed by the learned Division Bench modifying the order of learned Single Judge, the same has not been complied in its letter and spirit.

7. Mr. Shailendra Kumar Singh, learned counsel for the opposite parties submits that all the subsistence allowances, amounting to Rs.5,84,390/-, in terms of the order of the learned Division Bench passed in L.P.A. No. 1393 of 2018, has already been paid to the petitioner vide letter no. 6297 dated 21.08.2023.

8. Considering the submissions made on behalf of the parties, this Court, *prima facie*, finds substance in the submissions made on behalf of the opposite parties and if the petitioner has still any grievance with regard to non-compliance of the order of the learned Division bench, the proper remedy as available to the petitioner is to file a contempt petition before the learned Division Bench.

9. In view thereof, the present contempt petition stands disposed of.

(Harish Kumar, J)

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