

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.545 of 2023

In

Civil Writ Jurisdiction Case No.15729 of 2022

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M/s Elite Falcons A partnership firm having its office at Dheeraj Commercial Complex, 3rd Floor, Boring Road, Patna-800001, Bihar represented through the Authorized Signatory Mr. Arvind Kumar, S/o Late Tapeswar Prasad Lal, Male, aged about 57 years.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Health Department, Government of Bihar Sri Pratyaya Amrit.
2. The Civil Surgeon cum Chief Medical Officer, Jamui Sadar Hospital, Dr. Ajay Kumar Bharti, Jamui-811307.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deo Prakash Singh, Advocate
For the Opposite Party/s : Mr. Nagendra Pd. Yadav (SC-23)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-08-2023

1. The petitioner is before this Court alleging contempt as against the order dated 29.11.2022 passed in CWJC No.15729 of 2022.

2. The petitioner was a contractor for supply of Security Guards and Assistant Security Officer at the Hospital at Jamui through a contract agreement. The petitioner claimed that dues from 01.01.2016 to 16.08.2017 as per the agreement was not paid for the Sadar Hospital at Jamui. The petitioner also



claimed interest at the rate of 12% per annum. Before the Court the petitioner also sought for disposal of the case in consonance with the disposal as made in ***CWJC No.13024 of 2022 titled as M/s. Raghoji House of Distribution v. The State of Bihar***. The operative portion of the order passed against the prayer made by the petitioner is as below:-

“(i) Respondent No. 2, namely, the Civil Surgeon cum Chief Medical Officer, Jamui Sadar Hospital, Jamui-811307 is directed to have the petitioner’s case examined and ensure early decision and disbursement of petitioner’s legitimate dues payable, if any, under the work order. As also consideration of all claims. This, positively be done within a period of two months from today, failing which costs of Rs.5,000/- shall be paid to the petitioner to be recovered from the personal salary of the officer concerned.”

3. Learned counsel for the respondents submits based on the show cause that the consideration has been made as per Annexure-A and the petitioner’s claim has been rejected. It is also submitted that since the order was not passed within the time provided by the Court, costs of Rs.5000/- has already been paid to the petitioner vide Cheque No.631613 dated 12.04.2023.

4. The learned counsel for the petitioner, however, submits that it was based on an audit objection that it was declined and he is entitled to the claims.



5. We are convinced that no contempt lies from the order, especially since the direction to examine the case has been complied with. However, if the examination is not proper or the finding is against the contractual terms, it would be for the petitioner to challenge Annexure-A order in appropriate proceedings; which liberty was left to the petitioner in the judgment against which contempt is alleged.

6. We find absolutely no reason to entertain the contempt petition and the same stands closed leaving open the remedy available to the petitioner to challenge Annexure-A order.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	08.08.2023
Transmission Date	

