

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.990 of 2022

In

Civil Writ Jurisdiction Case No.3802 of 2021

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Dinesh Kumar Mishra (M) Aged about 65 years, Son of Late Ram Sharan Mishra Resident of Mohalla-Navin Nagar, Nawadah, Police Station-Nawadah, District-Nawadah.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Rural Development, Government of Bihar, Patna, namely Mr. Arbind Kumar Chaudhary.
2. The Deputy Development Commissioner-cum-Chief Executive Officer, D.R.D.A., Nawadah namely Mr. Ujjwal Kumar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Vinay Kirti Singh, GA 2

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

5 21-06-2023 Heard learned counsels for the respective parties.

2. The present MJC is filed for non-compliance of order dated 31.01.2022 passed in CWJC No. 3802 of 2021.

Paragraph No. 6 of the order dated 31.01.2022 reads as under:

“Therefore, the concerned respondent is hereby directed to take note of petitioner’s service particulars read with representation and the fact that petitioner has retired from service and decide the petitioner’s grievance within a period of two months from the date of receipt of this order, failing which petitioner is entitled to litigation cost and it is quantified @ Rs. 10,000/-. If petitioner is eligible for benefit of 7th pay revision and other consequential benefits. If petitioner is otherwise not eligible in that event necessary speaking



order shall be passed and communicated to the petitioner within the aforesaid time limit.”

3. The order was complied in piecemeal like on 07.08.2022 and 16.05.2023. Further, despite filing of contempt petition, respondents have not complied order in full. In other words, one order was passed on 16.05.2023 and insofar as litigation cost of Rs. 10,000/- (Rupees Ten Thousand), it was paid on 06.06.2023.

4. The concerned respondent is well aware of the order and its contents dated 31.01.2022. If he has difficulty in implementation of the order dated 31.01.2022, in all fairness, he should have filed interlocutory application seeking extension of time. On the other hand, he has slept over the matter for more than one year in order to fix the petitioner's pay with reference to 7th pay revision. There is no explanation insofar as delay is concerned. In other words, the respondents have committed contempt of Court in not complying the order dated 31.01.2022. Therefore, they are liable to pay cost of Rs. 25,000/- (Rupees Twenty Five Thousand) insofar as filing of the present contempt petition and the fact that after filing of the present contempt petition, respondents have complied remaining portion of the order on 16.05.2023 and 06.06.2023 respectively.



5. Cost shall be paid to the petitioner within a period of eight weeks from today.

6. With the above observation, present contempt petition stands dropped.

(P. B. Bajanthri, J)

GAURAV S./-

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