

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No 471 of 2022
In
Civil Writ Jurisdiction Case No 2535 of 2020

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1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
 2. The Principal Secretary, Water Resources Department, Government of Bihar.
 3. The Chief Engineer, Research and Training Irrigation Research Institute, Khagaul, Patna.
 4. The Deputy Director, Division-3, Research and Training, Irrigation Research Institute, Khagaul, Patna.

... .. Appellant/s

Versus

1. Ram Pukar Singh Son of Late jagdish Singh Resident of Village-Rampur (Nerua), P.O.-Mirzapur, P.S.-Navinagar, District-Asurangabad, Bihar, Presently residing at Village-bariya Chowk (Adarsh Nagar), P.O.-Sudna (Daltonganj), P.S.-Medninagar, District-Palamu, Jharkhand.
2. The State of Jharkhand through the Principal Secretary, Department of Water Resources, Government of Jharkhand at Ranchi
3. The Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr Anjani Kumar, AAG IV
Mr Deepak Sahay Jamuar , AC to AAG IV
For the Respondent/s : Mr

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 28-02-2023

The present appeal, under Letters Patent of the High Court, has been filed assailing an order dated 24.02.2020 passed by learned Single Judge of this Court in CWJC No 2535 of 2020, operative portion of which reads as under:



“Having considered the matter, the Court would only observe that once the Division Bench of this Court In LPA No 1298 of 2016, in the case of petitioner, by judgment dated 21.08.2017 has clearly observed that depending upon the outcome of the matter in Jharkhand, the petitioner would be entitled to be paid or granted the consequential benefits accruing thereto by the State of Bihar, no fresh order is required to be passed in the present proceeding. If the authorities do not comply with the same, it would be open to the petitioner to invoke the appropriate jurisdiction of this Court in the matter.”

2 Our attention has been drawn to the order passed by the Division Bench in the aforesaid LPA No 1298 of 2016, relevant portion of which reads as under:

“Accordingly, finding no case for interference into the matter, we grant liberty to the appellant to challenge the said order before the State of Jharkhand. Depending upon the outcome of the said challenge, the appellant would be entitled to be paid or granted the consequential benefit securing thereto from the State of Bihar.”

3 Mr Anjani Kumar, learned Additional Advocate General IV appearing on behalf of the appellants has submitted that pursuant to the liberty granted to respondent-first set (Ram Pukar Singh), it does not appear that he has challenged any order before the State of Jharkhand. He has submitted that appellants could have claimed entitlement and consequential benefits depending upon the outcome of any challenge made by the respondents-first set in terms of the liberty granted by the Division



Bench of this Court in the order dated 21.08.2017 passed in LPA No 1298 of 2016. He has submitted that respondent-first set has filed a contempt application alleging non-compliance of the impugned order dated 24.02.2020 passed by the learned Single Judge which has given rise to MJC No 488 of 2021. He has argued that the learned Single Judge has proceeded in the contempt matter, on the reasoning that the payment to the respondent-first set was dependent upon the outcome of the litigation before the Jharkhand High Court whereas it was this Court's observation made in the order dated 21.08.2017 passed in LPA No 1298 of 2016 that the respondent-first set could challenge the order denying grant of Assured Career Progression before the State of Jharkhand, which opportunity the respondent-first set did not avail.

4 We do not find any legal infirmity in the order of learned Single Judge dated 24.02.2020 requiring interference by this Court. The appellant shall be at liberty to make the submissions which have been made before this Court in the contempt proceedings.

5 This appeal stands disposed of with the aforesaid observation.



6 Interlocutory Application No 1 of 2022 stands disposed of.

(Chakradhari Sharan Singh, ACJ)

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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