

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1211 of 2023

In
Civil Writ Jurisdiction Case No.22806 of 2018

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Yadunandan Prasad S/o Sri Baldeo Prasad R/o Village- Chakmohiuddinpur,
P.O.- Mohiuddinpur, P.S.- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Commissioner-Cum-Secretary, Mr. Sanjeev Hans, Public Health Engineering Department, Bisheshwaraiya Bhawan, Belly Road, Bihar, Patna.
2. The Engineer-in-Chief-cum-Special Secretary, Mr. Ashok Kumar, Public Health Engineering Department, Bisheshwaraiya Bhawan, Belly Road, Bihar, Patna.
3. The Chief Engineer (Mechanical), Mr. Rai Sanjeev Sahay, Public Health Engineering Department, Bisheshwaraiya Bhawan, Belly Road, Bihar, Patna.
4. The Chief Engineer (Civil), Mr. Rai Sanjeev Sahay, Public Health Engineering Department, Bisheshwaraiya Bhawan, Belly Road, Bihar, Patna.
5. The Superintending Engineer, Mr. Nityanand Prasad, Public Health Engineering Circle, Bihar, Patna.
6. The Executive Engineer, Mr. Rajesh Kumar, Public Health Engineering Division- Hilsa, District- Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Siyaram Pandey, Advocate
For the Opposite Party/s : Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 02-08-2024

Heard the parties.

2. The petitioner seeks initiation of a contempt proceeding against the opposite parties for their willful disobedience of the order dated 08.12.2022, passed by this Court whereby, the writ petition stands disposed of with a



direction to the Secretary, PHED, Bihar to ensure all the benefits, including the retiral benefits as well as the benefits under the Assured Career Progression Scheme in terms of the order as contained in Memo No. 814 dated 24.09.2013, preferably within a period of eight weeks, from today.

3. A show-cause affidavit has been filed on behalf of the O.P. No. 6. Referring to the averments made in the show-cause, learned Advocate for the State categorically submitted that in compliance of the order of this Court, the petitioner has paid all his admissible retiral benefits and other dues, the particulars of which have duly mentioned in paragraph nos. 18 to 28 of the show-cause.

4. At this juncture, learned Advocate for the petitioner submits that the order of this Court has not been complied in its letter and spirit inasmuch as the department has not taken into consideration the period from 13.04.2002 to 26.10.2007 for the purposes of computation of benefits of retirement and other dues. The petitioner has also been deprived of the salary of the reverted period. It is also contended that the petitioner was absorbed vide Memo No. 787 dated 26.10.2007.

5. Considering the submissions of the learned Advocate for the respective parties and taking note of the fact



that this petitioner has been accorded all the benefits with effect from the date when he was brought in regular establishment. So far the period 17.04.2002 to 25.10.2007 is concerned, the same was the period under the retrenchment and, as such, the petitioner is not found entitled for any monetary benefits in the light of the office order no. 25 as contained in Letter No. 495 dated 24.05.2014.

6. In view of the aforesaid facts, this Court does not find any merit in the contempt petition and, as such, the contempt petition stands closed.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.08.2024.
Transmission Date	NA

