

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1456 of 2017

In
Civil Writ Jurisdiction Case No.17825 of 2010

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1. Nagendra Kumar Son of Sri Kapileshwar Kumar, Resident of Village-
Malikama, P.O P.S.- Masaurhi, District- Patna.
 2. Amit Kumar, Son of Sri Arjun Singh, Resident of Mohalla- Garhpar,
Nardiganj Road, P.S. Nawada, District- Nawada.
 3. Ravi Kumar, Son of Sri Rameshwar Ravidas, Resident of Village P.O.-
Bazidpur, P.S.- Nawada, District- Nawada.

... .. Petitioner/s

Versus

1. The Union Of India Through Ananta Narayan Nanda, The Secretary Cum D.
G. Department Of Posts, Dak B
2. M.E. Haque, son of not known to the petitioners, the Chief Post Master
General Bihar Circle, Patna.
3. Parimal Sinha, Son of not know to the petitioners, the Director of Postal
Services O/o the chief Post Master Genera null
4. Ashok Kumar, Son of not known to the petitioners, the post Master General,
Northern Region, Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pramod Kumar
For the Respondent/s	:	Mr. Ram Tujabh Singh CGC Mrs. Radhika raman Sr. CGC

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 24-04-2024

The present MJC is filed for non-compliance of the order dated 20.04.2011 passed in CWJC No. 17825 of 2010 and CWJC No. 19022 of 2010 whereas the contempt petition was filed in the month of May, 2017. In the light of Section 20 of the Contempt Of Courts Act, 1971 petitioner was required to file contempt of court petition against the order dated 20.04.2011



within a period of one year from the date of the order or any time limits stipulated and after expiry of such period within one year therefore, prima facie the present MJC No 1456 of 2017 is not maintainable on the ground of delay.

2. At this stage, learned counsel for the petitioner submitted that Civil Appeal No. 370-375 of 2013 was pending consideration on the file of the Hon'ble Supreme Court in the case of *Union of India and others Vs. Sonu and Others* and it was decided on 30th November, 2023 while rejecting the Civil Appeal No. 370 -375 of 2013, therefore, cause of action is required to be taken note of after 30th November, 2013. Such a contention is not appreciable for the reasons that the petitioner could not apprise this court that there was an interim order staying the operation of the order dated 20.04.2011 passed in CWJC No.17731 of 2010 in the case of *Sonu and Others Vs Union of India and others* before the Hon'ble Supreme Court. If there was an interim order before the Hon'ble Supreme Court, in that event, petitioner would not have presented this MJC petition in the year 2017. In view of these dates and events, it is crystal clear that present MJC contempt petition is filed beyond one year and it is in violation of section 20 of the Contempt of Court Act ,1971. Moreover, Co-ordinate Bench in the case of



Dr. Rajesh Kumar sinha & Ors. Vs. The Union of India & Ors. bearing M.J.C NO. 1840 of 2023 in C.W.J.C. No. 13888 of 2016 elaborately considered Section 20 of the contempt of Court Act 1971 read with Article 215 of the constitution. Accordingly, the present petition stands dismissed, reserving liberty to the petitioner to file fresh writ petition insofar as non-implementation of the order dated 20.04. 2011.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

vashudha/-
Krishna Kant

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.04.2024
Transmission Date	NA

