

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2007 of 2024

In
Miscellaneous Jurisdiction Case No.350 of 2024

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Baldeo Prasad Gupta-Karta of joint Hindu (In Person) Family Son of late Shambhu Prasad Gupta Resident of Village and Post Office and Police Station at - Karmatar, Dist. Jamtara (Jharkhand), formerly working as senior JM Grade I officer in Bank Of India, presently stay at Patna, 106-B, Maha Laxmi Apartment, E. B. Cannal Road, Patna 800001, Mobl. No. 8544416106.

... .. Petitioner/s

Versus

1. The Bank Of India through its The Chairman Cum Managing Director.
2. The Executive Director Cum Review Authority, Bank Of India.
3. The General Manager Cum Appellate Authority, Bank Of India, Address- 1 to 3. Head Office, Star House, Bandra - Kurla Complex, Bandra (East) Mumbai-400051.
4. The Zonal Manager Cum Disciplinary Authority, Bank Of India, Zonal Office, Chanakya Palace, Ist. Floor, Bir chand Patel Marg, Patna-800001 and others.
5. The Branch Manager - Deheri On Sone, Giridih, Sindri and Patna (Main and other) Branches, Bank Of India, P. O. Deheri On Sone, Dist.-Rohtas (Bihar) Part-II.
6. ICICI Prudential Life Insurance Co. Ltd. through its The Chairman Cum Managing Director and All Concerns, Corporate/Head Office, ICICI Prulife Tower, Appasaheb Marg, Prabha Devi, Mumbai. 400025.
7. The Branch Manager/In-charge/ All Concerns, ICICI Prudential Life Insurance Co. Ltd. Patna Branch Hari Ram Hari Tech, SP Verma Road, Patna- 800001.
8. ICICI Prudential Mutual Fund co. Ltd. through its The Chairman Cum Managing Director and All concerns, Corporate/Head Office, One BKC Wing, 13 Floor, Bandra-Kurla Complex Bandra (East) Mumbai-400051.
9. The Branch Manager/In-Charge/All Concerns, ICICI Prudential Mutual Fund Co. Ltd., Patna Branch, Kashi Palace, Ist. Floor. Near Dak bunglow Chouk/ Mouriya Complex. Patna 800001.
10. ICICI Bank Ltd. through its The Chairman Cum Managing Director and All Concerns, Head Office, ICICI Bank Building, Bandra-Kurla Complex, Bandra (East) Mumbai-400061.
11. The Branch Manager/ and All Concerns, ICICI Bank Ltd.Boring Road Branch, Near Boring Road Chouraha, Sahdeo Mahato Path, Patna-800001 and others.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Baldeo Prasad Gupta (In person)
For the Opp. Party No.10:	:	Mr. Prabhakar Nath Rai, Adv.
Amicus Curiae	:	Ms. Akanksha Malviya, Adv.



CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

4 29-07-2024 The party in person who is taking undue advantage of this Court to the extent of filing MJC contempt petition after MJC contempt petition, therefore, we had requested Miss Akanksha Malviya, Advocate to assist in this matter as an amicus curiae.

2. The petitioner filed **MJC No. 4080 of 2019** arising out of **L.P.A. No. 243 of 2019**. Probably, the co-ordinate Bench proceeded to dismiss the **MJC No. 4080 of 2019**, at that juncture, the co-ordinate Bench passed the following order and its reads as under :

“Petitioner submits that he shall make himself available in the office of Zonal Mangar, Zonal Office, Chanakya Palace, Ist Floor, Birchand Patel Marg, Patna on 02.12.2019 at 12.00 noon.

Learned counsel for the Bank of India submits that the grievance of the petitioner shall be considered and dealt with in accordance with law.

In view of the aforesaid, the present contempt petition is disposed of.

It is open for the petitioner to represent any one of the respondents including the ICICI Bank of the said issue.”



3. Thereafter, respondents have passed order on 09.04.2019 vide Annexure-1. Petitioner still feels that orders of this Court has not been complied, resultantly he has filed **M.J.C. No. 350 of 2024**. The same was disposed of on 02.05.2024. Order reads as under :-

*“Prima facie, the present MJC is not maintainable, for the reasons that the present MJC-contempt is arising out of **MJC – Contempt petition No. 4080 of 2019** decided on 28.11.2019. It is necessary to re-produce order dated 28.11.2019 and it reads as under :-*

“Petitioner submits that he shall make himself available in the office of Zonal Mangar, Zonal Office, Chanakya Palace, Ist Floor, Birchand Patel Marg, Patna on 02.12.2019 at 12.00 noon.

Learned counsel for the Bank of India submits that the grievance of the petitioner shall be considered and dealt with in accordance with law.

In view of the aforesaid, the present contempt petition is disposed of.

It is open for the petitioner to represent any one of the respondents including the ICICI Bank of the said issue.”

*2. No doubt, the present **MJC No. 350 of 2024** is filed for modification. MJC modification is permissible only in respect of modification of any typographical error crept in the order.*

3. Perusal of the order dated 09.12.2019 alongwith the show-cause, it is evident that grievance of the petitioner pursuant to earlier Co-



*ordinate Bench order dated 28.11.2019 passed in **M.J.C. No. 4080 of 2019** has been complied. Therefore, question of modification of the order dated 28.11.2019 in MJC No. 4080 of 2019 is not permissible.*

*4. Accordingly, the present **MJC No. 350 of 2024** stands disposed of, reserving liberty to the petitioner to assail the order dated 09.12.2019, in accordance with law.”*

4. In this backdrop, the present MJC is filed with the following prayer :-

*“It is therefore, in view of my limitations, age about 80years, bad health- acute knee and back Pain, can not walk and hear and sit properly and in honour of contempt of Court petition **MJC No 350 of 2024** dated 2/5/24 and confirmed facts, I pray, immediately impose very huge amounts as fine upon both part of Respondents separately for payment to me than give specific and time bound orders and directions to both part of Respondents/ Opposite parties through The Chairman/ Managing Director, Executive Director, Chief Executive Director, The Chief General Manager, General Manager, The Concerned Branch Manager/In - Charge, to withdraw - (a). The illegal and injustice dismissal orders of my services, (b). The illegal and arbitrary seizures orders on operations on my family and relatives deposits accounts of Deheri - On- Sone and their deductions and(c). Illegal closure and swallowed of entire balance amounts of my Life*



Insurance policy accounts of Patna Branch and to settle my all grievances stated in this case MJC No 350/24 dt. 02.05.2024 and others and its related and co-related matters as early as possible. All dues, all arrears to be paid with interest at the rate of 24 percent per annum under compound interest rate calculation from date of begins till the date of final payment made. Details of all calculations of dues and arrears and interests so on to be provided to me. All types of helps and Co-operations to be provided to me, it is in gist. All grievances and co- related grievances must be settled within 30 days of date of orders of this Case. If honourable Bench feel any others remedies and relieves to be provided which may be included and to be provided through it.”

5. Perusal of the co-ordinate Bench orders reveals that there is no specific grievance of the petitioner is to be redressed to the extent that respondent are liable to redress the grievances in a particular issue and in a particular manner. On the other hand, what has been observed by the co-ordinate Bench in the order dated 28.11.2019 passed in **MJC No. 4080 of 2019** is to the extent of his appearance before the concerned authority on 02.12.2019 at 12.00 noon. Resultantly, respondent-Bank have passed order on 09.12.2019 (Annexure-1) and it has not been challenged in the manner known to the law.



6. Taking note of these material information, the present MJC is not maintainable. Accordingly, the present MJC stands dismissed.

7. We could have dismissed the MJC with exemplary cost, however, we thought of not imposing cost only on the score that petitioner is an aged person and he is not in position to hear whatever we expressed our opinion.

8. Grievance of the petitioner in earlier litigations are in respect of the fact that while he was working as an Staff Officer. He is alleged to have committed certain misdeeds. He was placed under suspension on 22.08.1992, then he was subjected to disciplinary proceedings in framing Article of Charges on 23.11.1992 and it was concluded in imposition of penalty of dismissal from service on 11.12.1993. His appeal was also dismissed on 12.05.1994 and review petition was rejected on 13.11.1995. He has approached this Court in filing **CWJC No. 7062 of 1994** in assailing the penalty order and its confirmation by next superior authorities. Writ petition was dismissed on 28.07.1995. He preferred **LPA No. 1563 of 1995** which was dismissed on 22.09.1995.

9. **MJC No. 2292 of 2010** was filed, which was dismissed on 19.01.2011, whereby this Court deprecated the



act of the petitioner in filing frivolous petitions. Thereafter, he filed **CWJC No. 7070 of 2013** for payment of retiral benefits. It was dismissed while observing continuous frivolous petitions are filed and heavy cost was about to be levied, however, petitioner was let off on 15.01.2014. Thereafter, **MJC No. 1861 of 2016** was filed for modification of the order dated 16.12.2015 passed in **LPA No. 1603 of 2015** which was dismissed on 02.09.2016 while imposing cost of Rs. 20,000/- to be paid by the petitioner in the account of Patna High Court Legal Services Committee within two months from the date of the order. It was also directed that in failure to do so by the petitioner, contempt proceedings will be initiated by this Court. **Civil Review No. 105 of 2017** was filed to review the order dated 02.09.2016 passed in **MJC No. 1861 of 2016**. This Court withdrew the order of imposing the cost of Rs. 20,000/- and warned the petitioner not to misuse the process of law or file frivolous petitions or application again in this Court by dismissing the review petition.

10. Petitioner filed **CWJC No. 24149 of 2018** again seeking certain relief relating to payment of certain amounts which are lying in deposits in the bank accounts in the name of his family members and relatives. It was also dismissed on



04.01.2019. He preferred **LPA No. 243 of 2019** which was dismissed on 18.07.2019 to approach the appropriate forum for redressal of his grievance with regard to surviving claim. In this regard on 19.12.2019, Zonal Manager, Bank of India, Patna Zone, passed a detailed order as to how petitioner is not entitled to whatever his claim. Faced with these dates and events, he has approached this Court on two more occasions including the present one and the same is deprecated.

11. If the petitioner files any other litigation in respect of his service benefits which have been adjudicated before this Court and Hon'ble Supreme Court, he has to face Contempt of Court action including civil prison for the reasons that he is unnecessarily filing litigation after litigation despite the fact that his grievances have been turned down on the score that he was not eligible.

12. Registry is requested to apprise this Court in the event of filing any further litigation on behalf of the petitioner in respect of the aforementioned relief read with present order to the concerned Bench.

13. We acknowledge the valuable assistance rendered to the Court by Miss Akanksha Malviya, learned counsel who has taken pain in assisting in the present petition



and addressing the matter as an amicus curiae. Patna High Court Legal Services Committee is directed to pay a sum of Rs. 5,000/- (five thousand) to Miss. Akanksha Malviya within a period of four weeks from the date of receipt of this order, towards legal assistant fees.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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