

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2435 of 2023

In
Civil Writ Jurisdiction Case No.6989 of 2018

Arvind Kumar Son of Shivkant Pandey, Resident of Village Barka Lauhar, Post Pharna, P.S. Barahara, District Bhojpur (Ara) Bihar at present residing at Aadarsh Colony, Road No. 2, Khemnichak, Police Station-Ram Krishna Nagar, District Patna.

... .. Petitioner.

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna, namely Rajvinder Singh Bhatti, son of not known to the petitioner.
3. The Inspector General of Police, Patna Region, Patna, namely Sanjay Singh, son of not known to the petitioner.
4. The Deputy Inspector General of Police, Sahabad Region, Dehri-on-Son, namely Naveen Chandra Jha, son of not known to the petitioner.
5. The Superintendent of Police, Kaimur, Bhabhua, namely Lalit Mohan Sharma, son of not known to the petitioner.
6. The S.D.P.O.-Mohania-cum-Conducting Officer, namely Rajeev Ranjan, son of not known to the petitioner.
7. The Officer-in-Charge, Chand Police Station-Kaimur, Bhabhua, namely Ram Lakhan Prasad, son of not known to the petitioner.

... .. Opposite Parties.

Appearance :

For the Petitioner : Mr. Prabhat Ranjan, Advocate.
For the State : Mr. Md. Nasrul Hoda Khan (SC-1).

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

Date : 12-01-2024

The present M.J.C. petition is filed for non-compliance of the order of this Court dated 24.11.2021 passed in C.W.J.C. No.6989 of 2018. It is necessary to reproduce portion of the order and its reads thus:

“In the light of the aforesaid submission and legal contention raised by the petitioner and therefore,



the matter is covered by the decision of this Court passed in ***Sonu Kumar Vs. State of Bihar 2021 SCC online Pat. 2225 decided on 22.09.2021.*** impugned orders dated 18.12.2017 (At Annexure-6), 12.10.2017 (at Annexure-5) and 10.07.2017 (at Annexure-7) are set aside and the matter is remitted back to the Disciplinary authority to initiate the disciplinary proceeding afresh from the defective stage and conclude the disciplinary proceeding within a period of four months from the date of receipt of the order. The petitioner would be entitled for all the consequential monetary and service benefits during the intervening period and the same shall be extended to him within a period of four months from the date of receipt of order. The petition stands disposed of.”

2. In the light of the aforementioned order, the concerned authority/disciplinary authority was required to complete the departmental inquiry from the defective stage within a period of four months from the date of receipt of the order. There is no explanation in respect of delay in concluding the departmental inquiry on 03.11.2023 from the defective stage. Prima facie, there is delay of more than one year for which in all fairness, the concerned authority was supposed to file interlocutory application before the lapse of time stipulated by this Court in seeking extension of time to comply the order



of this Court. There is no application or explanation submitted insofar as delay in complying the orders of this Court. Accordingly, the disciplinary authority has committed contempt.

3. Having regard to the fact that the orders of this Court has been complied belatedly, it is not appropriate to initiate contempt of courts proceedings. In other words, it is suffice to impose cost. The cost is quantified at Rs.10,000/-. Cost shall be paid in the Patna High Court Legal Services Authority within a period of four weeks from today.

4. With the above observation, the present M.J.C./Contempt petition stands dropped reserving liberty to the petitioner to assail the impugned order dated 03.11.2023, in accordance with law..

(P. B. Bajanthri, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.01.2024.
Transmission Date	NA

