

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cont. Case (Civil) No. 739 of 2021

Bijoy Kumar

..... Petitioner

Versus

1. Sri Binod Kumar, Assistant Engineer, Eastern Railway, Sahibganj

2. The State of Jharkhand

..... Opposite Parties

CORAM

HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner:

Mr. Rajeeva Sharma, Sr. Adv.

Mr. Om Prakash

For O.P.No.1:

Mr. Anil Kumar, A.S.G.I

Mr. Ravi Prakash, C.G.C

14/08.04.2024 The present contempt application has been filed against the O.P.No.1 alleging wilful disobedience and non-compliance of the order dated 16.07.2019 passed by this Court in W.P.(C) No. 4473/2011.

2. Mr. Ravi Prakash, learned C.G.C appearing on behalf of the O.P.No.1, refers to paragraphs 8 & 9 of the show cause affidavit dated 06.04.2024 filed on behalf of the said opposite party, which read as under:

'8. That the opposite parties state and submit that the deponent has complied the Hon'ble Court order by passing a speaking order dated 08.03.2024 stating that the representation of the petitioner dated 29.12.2020 was received by the respondent on 29.12.2020 in which the petitioner has referred alleged execution and non-payment of bills against 08 different contract agreements in the name of Bijoy Kumar and Dwarka Prasad pertaining to or involved for the year 1986-87, 1987-88, 1988-89 and 1992-93 i.e. more than 30 years back although there are no-payment of 07 nos. bill are mentioned in the Hon'ble Court's order in writ. In view of the facts and circumstances stated above, this case clearly proved that the claims of the petitioner are hopelessly time barred by the provision of the Limitation Act, 1963.

9. That the opposite parties state and submit that the referred 08 nos. of bills are almost 30 years back and in view of non-availability of such old records the respondent could not able to examine the same and dispose it which has caused delay in taking decision within time framed by the Hon'ble Court."

3. It is thus submitted that the aforesaid order of this Court has now been complied by the O.P.No.1.
4. As against this, learned Sr. counsel for the petitioner submits that the bills presented by the petitioner against the work in question were not time barred and the petitioner's claim for payment of the same has arbitrarily been rejected by the O.P.No.1.
5. Having Heard learned counsel for the parties and considering that the O.P.No.1 has already passed a speaking order dated 08.03.2024 (Annexure-1 to the show cause affidavit dated 06.04.2024) rejecting the petitioner's claim for payment of bills against the work in question being time barred, there is no reason to further proceed with the matter.
6. The contempt proceeding as against the O.P.No.1 is dropped.
7. The present contempt application stands disposed of.
8. The petitioner is however at liberty to take appropriate recourse against the reasoned order dated 08.03.2024 passed by the O.P.No.1 as permissible under law.