

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2177 of 2019

In
Civil Writ Jurisdiction Case No.13780 of 2018

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Md. Rajik Husain Son of Kitab Ali Resident of Village-Mosidha (Bishunpur)
P.O.Choraut, P.S. Pupri (Choraut O.P.), District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Home Department, Bihar, Patna namely Mr. Amir Subhani.
2. Mr. M. Ramachandrudu District Magistrate, Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Garg, Advocate Mr. Sanjiv Kumar Pathak, Advocate
For the Opposite Party/s :		Mr. Prabhat Kumar Verma, AAG-3 Mr. Suman Kumar Jha, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 27-03-2025

Heard learned counsel for the parties.

2. This contempt petition has been filed alleging violation of order dated 07.09.2018 passed in C.W.J.C. No. 13780 of 2018, wherein, a relief prayed by the petitioner for payment of salary for the period from 07.03.2011 to 30.07.2014, which is the period during which the petitioner remained under suspension, a direction was given to the petitioner to file a detailed representation before the District Magistrate, Sitamarhi and thereafter, the District Magistrate was directed to consider the case of the petitioner and take



decision in accordance with law and if the petitioner is found to be entitled for salary for the aforesaid period, such salary shall be paid to the petitioner.

3. Opposite Party No. 2 has filed a show cause and a supplementary show cause.

4. In paragraph No. 7 of the show cause filed by Opposite Party No.2, it has been stated that pursuant to the order dated 07.09.2018 passed in C.W.J.C. No. 13780 of 2018, the District Magistrate, Sitamarhi has passed an order dated 15.07.2019, whereby payment of full salary to the petitioner for the period under which he remained suspended, has been allowed to be paid on the basis of attendance.

5. Learned advocate for the petitioner, however, has submitted that despite the aforesaid order of the District Magistrate, Sitamarhi, the petitioner has not been paid subsistence allowance/salary.

6. Since, direction passed in the writ petition vide order dated 07.09.2018 was to take a decision by the District Magistrate, Sitamarhi, in accordance with law with regard to the entitlement for subsistence allowance/salary



for the period under mentioned and pay the same, if the petitioner is found to be entitled for the same, I find that the District Magistrate, Sitamarhi by passing an order dated 15.07.2019 for payment of full salary/subsistence allowance to the petitioner for the period under which he remained suspended on the basis of the attendance, has duly complied with the direction given by this Court in order dated 07.09.2018 passed in C.W.J.C. No. 13780 of 2018 inasmuch as the direction of this Court in the writ petition vide order dated 07.09.2018 to the District Magistrate, Sitamarhi was limited to take the decision in accordance with law and for payment of salary/ subsistence allowance to the petitioner, if the petitioner was found to be entitled to be paid the same.

7. Since the actual payment of the salary/subsistence allowance for the period under mentioned is stated to have not reached the petitioner due to a dispute on attendance of the petitioner for the period above mentioned, therefore, I am of the view that the same is entirely a different cause of action which can very well be agitated by the petitioner in a fresh proceeding that may be



initiated, if so advised.

8. Accordingly, this contempt petition shall stand closed and disposed of with a liberty granted to the petitioner to agitate the grievances of the petitioner for not having actually received the salary/subsistence allowance for the period under reference on account of dispute on the attendance of the petitioner, if so advised.

(Nani Tagia, J)

Nilmani/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	02.04.2025
Transmission Date	N/A

