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IN THE HIGH COURT OF JUDICATURE AT PATNA

(Miscellaneous Judicial Jurisdiction)

M.J.C.No. of 2012

(Arising out of CWJC No. 1056 of 2007 disposed of on 22.7.2011)

Umesh Yadav @ Umesh Prasad Yadav and another...Petitioners

Versus

The State of Bihar and others .....Opp. Parties.

Subject: Contempt Matter

INDEX

Sl.No.	Particulars	Pages
1.	An application with Affidavit	1-7
2.	Annexure-1:A true photo copy of order dated 22.7.11	8-10
3.	Annexure-2 & 2/A: Phto copies of application dated 11.9.11 & 12.11.11	11-12
4.	Vakalatnama	

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AUTH NO. 3185 DT. 16/12/2008

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IN THE HIGH COURT OF JUDICATURE AT PATNA

(Miscellaneous Judicial Jurisdiction)

M.J.C. No. of 2012

(Arising out of C.W.J.C.No. 1056 of 2007 disposed of on 22.7.2011)

In the matter of an application under sections 12 and 14 of the Contempt of Court Act and read with 215 of the Constitution of India.

And

In the matter of:-

1. Umesh Yadav @ Umesh Prasad Yadav, Son of Late Dhaneshwar Yadav, Resident of Village- Chakla (North Side) P.O. Sukhashan Chakla, P.S. & District - Madhepura.

2. Surendra Prasad Yadav, Son of Late Sital Prasad Yadav, Resident of Village and P.O. Parmanandpur, Via-Vadma, P.S. Murliganj, District Madhepura.

..... Petitioners

Versus

1. The State of Bihar

2. , Secretary, Personal and Administrative Reforms Department, Government of Bihar, Patna.

3. , Joint Development Commissioner, Rural Development Department, Bihar, Patna.

4. , Deputy Development Commissioner, Rural Development Government of Bihar, Patna.

5. , District Magistrate, Madhepura, District Madhepura.

6. , Special Secretary,

Rural Development Department, Government of Bihar, Patna.

7. , Director Account Administration and Self Planis District Rural Development Agency, Madhepura, District Madhepura.

8. Shravan Kumar Paswan, Deputy Development Commissioner, Madhepura, District Madhepura.

9. Smt. Milan Devi, Chairman Zila Parishad, Managing Committee, D.R.D.A. District Madhepura,

.....Opp. Parties.

To,

The Hon'ble Ms. Justice Rekha M. Doshit, the Chief Justice of the High Court of Judicature at Patna and her companion justices of the said Hon'ble Court.

The humble petition on behalf of the petitioners above.

Most Respectfully Sheweth:-

1. That this is an application for initiation of a contempt proceeding against the aforesaid opposite parties for wilfully disobedience of the order passed by this Hon'ble Mr. Justice V.N. Sinha on 22.7.2011 in CWJC No. 1056/2007.

2. That the writ petition was filed by the petitioner vide CWJC No. 1056/2007 in which the Hon'ble Justice was pleased to given a direction to consider the case of the petitioners for regularisation in the light of the circular dated 10.5.2005.

A true photo copy of order dated 22.7.2011 is being annexed herewith and marked as Annexure-1 to this petition.

3. That the petitioner has filed an application with copy of the order before the concerned authority but no order was passed till today.

A true photo copy of application dated 11.9.11 and 12.11.11 is being annexed herewith and marked as Annexure-2 & 2/A to this petition.

4. That it is relevant to mention here that no any action taken by the authority concern as yet. The petitioners are in great want to the complementation of the aforesaid order but he has not passed any order in this regard.

5. That the petitioners are in great mental agony due to non-redressal of ~~x~~ their grievance.

6. That the petitioners have not moved earlier in contempt petition and was come for the first time in this regard.

7. That the petitioners have no any other alternative and efficacious remedy ~~to~~ except to move before this Hon'ble Court.

It is therefore, prayed that your

Lordships may graciously be pleased to admit this application issue notice to the opposite party and after hearing the parties pleased to initiate the contempt proceeding against the opposite parties and punished to concerned opposite parties for willfull-y disobedience of the Hon'ble Court.

And/or

Pass such other order/orders as your Lordships may deem fit and proper.

And for this the Petitioners shall ever pray.

A F F I D A V I T

I, Umesh Yadav @ Umesh Prasad Yadav, aged about 35 yrs, Son of Late Dhaneshwar Yadav, R/o Village Chakla (North Side) P.O. Sukhashan Chakla, P.S. & Dist. Madhepura, do hereby solemnly affirm and state as follows:-

1. That I am petitioner no.1 in this case and as such well acquainted with the facts and circumstances of this case.

2. That the contents of this petition have been read over and explained to me in Hindi which I have fully understood the same and are true to my knowledge and belief.

3. That the Annexures are true photo copies of their respective originals.

Annexure-1

IN THE HIGH COURT OF JUDICATURE AT PATNA
CWJC No.1056 of 2007

1. Umesh Yadav @ Umesh Prasad Yadav, SON OF LATE DHANESHWAR YADAV, RESIDENT OF VILLAGE- CHAKLA (NORTH SIDE) P.O. SUKHASHAN CHAKLA, P.S. AND DISTRICT- MADHEPURA.
2. SURENDRA PRASAD YADAV, SON OF LATE SITAL PRASAD YADAV, RESIDENT OF VILLAGE AND P.O. PARMANANDPUR, VIA- VADMA, P.S. MURLIGANJ, DISTRICT- MADHEPURA :--PETITIONERS.

Versus

1. The State Of Bihar
2. THE SECRETARY, PERSONAL AND ADMINISTRATIVE, REFORMS DEPARTMENT, GOVERNMENT OF BIHAR, PATNA.
3. THE JOINT DEVELOPMENT COMMISSIONER, RURAL DEVELOPMENT DEPARTMENT, BIHAR, PATNA.
4. DEPUTY DEVELOPMENT COMMISSIONER, RURAL DEVELOPMENT GOVERNMENT OF BIHAR, PATNA.
5. DISTRICT MAGISTRATE, MADHEPURA, DISTRICT- MADHEPURA.
6. SPECIAL SECRETARY, RURAL DEVELOPMENT DEPARTMENT, GOVERNMENT OF BIHAR, PATNA.
7. DIRECTOR ACCOUNT ADMINISTRATION AND SELF PLANIS DISTRICT RURAL DEVELOPMENT AGENCY, MADHEPURA, DISTRICT- MADHEPURA.
8. DEPUTY DEVELOPMENT COMMISSIONER, MADHEPURA, DISTRICT- MADHEPURA.
9. MANAGING COMMITTEE, D.R.D.A. DISTRICT- MADHEPURA :--- RESPONDENTS.

For the petitioners : Sri Sharda Nand Mishra, Advocate.
For the State : Mr. Rajesh Kumar Sinha, A.C. to G.P.21.
For Respondent No. 7 : Mr. Ranjeet Kumar Pandey, Advocate.

2. 22.07.2011. Heard learned counsel for the parties.

2. Petitioners were engaged by the D.R.D.A., Madhepura to serve as Peon, Driver. They rendered satisfactory service from the date of their initial engagement in 1987 till 1999 when they were removed whereafter they were again engaged in the year 2004 and finally removed under order bearing Memo No. 933 dated 11th September, 2004, Annexure-20. Aforesaid removal order was challenged before this Court by filing

C.W.J.C.No. 15104 of 2004 which was dismissed under orders dated 21.07.2006, Annexure-A to the counter affidavit.

3. Present writ petition has been filed asserting that petitioners having been engaged in 1987 and served the D.R.D.A. to the satisfaction of all concerned, their case is required to be considered for regularization in the light of the Government resolution bearing no. 489 dated 10.05.2005, Annexure-21, whereunder the cut off date for considering the daily-wagers for regularization was extended from 01.08.1985 to 11.12.1990. It is submitted on behalf of the petitioners that in the earlier writ petition petitioners could not rely on the resolution dated 10.05.2005 to submit that as and when D.R.D.A., Madhepura proceeds to make appointment, they should consider the case of the petitioners in the light of the resolution of the State Government dated 10.05.2005, Annexure-21 which inter alia require the State to consider the case of daily-wagers engaged prior to 11.12.1990 for regularization as and when appointment/regularization is made by the organization, where the daily-wager concerned has served. In the light of the resolution of the State Government dated 10.05.2005, Annexure-21, I direct the Deputy Development Commissioner-cum-Incharge District Rural

10

Development Agency to consider the case of the petitioners for regularization/absorption in the light of the circular dated 10.05.2005 as and when they proceed to make appointment in the D.R.D.A. It goes without saying that while considering the case of the petitioners the authorities of the D.R.D.A. will grant them the necessary age relaxation as also preference for the services already rendered to the Agency.

4. The writ petition is, accordingly, disposed of.

Sd/-
(V.N.Sinha,J.)

P.K.P.

CERTIFIED TO BE TRUE PHOTO COPY

For Joint Registrar (J)
Patna High Court
Appointed U/S 76 Act 1 of 1872

16.2.2012

Annx.-2.

सेवा में

श्री मान उपनिदेशक अभियुक्त महोदय जिला
अभियोजन कार्यालय मथुरा

विषय : सी० डब्लू० सी० नं० 1056/2007 माननीय उच्च न्यायालय इलाहाबाद पारित आदेश 22/7/2011 अनुपालन करने के सम्बन्ध में

महोदय,

सविनय निवेदन है, कि सी० डब्लू० सी० नं० 1056/2007 में पारित आदेश दि० 22/7/2011 के विरुद्ध अपील दायर करने हेतु निर्देशित करने का श्री मान से निवेदन है, मुझे अनुबंध परिशुद्धित दर्ज जाय ताकी मेरे अपील दायर करने में कोई बाधा न हो सके

इसके लिए श्री मान का आभार व्यक्त करूंगा

भवदीय

दिनांक 24/7/2011

अधिवक्ता याचिका पुर्ति नेमि
मथुरा जिला अभियोजन
अधिवक्ता मथुरा

सेवा में Annexure - 22 [illegible]

उपविकास आयुक्त

मधेपुरा

विषय :- मा० उच्च न्यायालय बिहार पटना के द्वारा पारित आदेश के संबंध में।

महाशय : उपर्युक्त विषय के संबंध में कहना है कि माननीय उच्च न्यायालय पटना के द्वारा मि० डब्लु० जे० सी० सं० 1056/[illegible] में पारित आदेश की छाया प्रति संलग्न कर रहा हूँ।

अनुरोध है कि मा० उच्च न्यायालय पटना द्वारा पारित आदेश के अनुपालन में कार्रवाई करने की कृपा की जाय।

दिनांक 12/11/20

भवदीय
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