

SC-21  
1/12/12

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

(MISCELLANEOUS JUDICIAL JURISDICTION CASE)

(Arising out of C.W.J.C. No. 19015 of 2011)

M. J. C. No. - 2012

**RANJAN KUMAR SINGH**

.....**Petitioner.**

**Versus**

Shri Awadhesh Sharma, the Executive Engineer, Public Works  
Department, Madhepura, District - Madhepura & Others

..... **Contemnor Respondents.**

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**SUBJECT: CONTEMPT.**

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**RANJAN KUAMR SINGH** .....**Petitioner.****Versus**Shri Awadhesh Sharma, the Executive Engineer, Public Works  
Department, Madhepura, District - Madhepura & Others..... **Contemnor Respondents.****SYNOPSIS**

1. That instant application is being filed for initiation of contempt proceeding against the Contemnor Respondents for willful disobedience and defiance of the order dated 27.02.2012, passed in C.W.J.C. No. 19015 of 2011 (Ranjan Kumar Singh Vrs. The State of Bihar & Others) by Hon'ble Mr. Justice Ramesh Kumar Datta, by which his lordship was pleased to direct the Contemnor Respondent No. 2 to consider the rightful claim of the petitioner by speaking

order within three months from the date of receipt of the copy of the order.

**Annexure -1.**

2. That in pursuant to the order passed by this Hon'ble Court in C.W.J.C. No. 19015 of 2011, the petitioner submitted the copy of the order, which was duly received in the office of the Contemnor Respondent No. 1 & 2 on 20.03.2012.

**Annexure -2.**

Hence, instant contempt application.

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

(MISCELLANEOUS JUDICIAL JURISDICTION CASE)

(Arising out of C.W.J.C. No. 19015 of 2011)

M. J. C. No. - 2012

In the matter of an application  
under Article 215 of the  
Constitution of India r/w  
Section 12 of the Contempt of  
Courts Act.

AND

In the matter of

**RANJAN KUAMR SINGH**, S/o - Late Surendra Prasad Singh,  
resident of village Vidyapati Nagar, P.O + P.S + District - Saharsa.

.....**Petitioner.**

**Versus**

1. Shri Awadhesh Sharma, the Executive Engineer, Public Works Department, Madhepura, District - Madhepura.
2. Shri Banke Bihari, Executive Engineer, Alam Nagar Task Force, Alam Nagar, Madhepura, District - Madhepura.

3. The State of Bihar.

..... **Contemnor Respondents.**

To,

The Hon'ble Ms. Rekha M. Doshit, the Hon'ble Chief Justice of the High Court of Judicature at Patna and his Companion Justices of the said Hon'ble Court.

The humble petition on behalf of the petitioner above named.

**MOST RESPECTFULLY SHWETH :**

1. That instant application is being filed for initiation of contempt proceeding against the Contemnor Respondents for willful disobedience and defiance of the order dated 27.02.2012, passed in C.W.J.C. No. 19015 of 2011 (Ranjan Kumar Singh Vrs. The State of Bihar & Others) by Hon'ble Mr. Justice Ramesh Kumar Datta, by which his lordship was pleased to direct the Contemnor Respondent No. 2 to consider the rightful claim of the petitioner by speaking

order within three months from the date of receipt of the copy of the order.

A true typed/photocopy of the order dated 27.02.2012 passed in C.W.J.C. No. 19015 of 2011 is annexed herewith and marked as Annexure-1.

2. That it is relevant to state here that in pursuant to the order passed by this Hon'ble Court in C.W.J.C. No. 19015 of 2011, the petitioner submitted the copy of the order, which was duly received in the office of the Contemnor Respondent No. 1 & 2 on 20.03.2012. Significant to clarify here that the Contemnor Respondents received the copy of the order over the photocopy of the order sheet dated 27.02.2012.

A true typed/photocopy of the receiving of the order dated 20.03.2012 is annexed herewith and marked as Annexure-2.

3. That it is relevant to state here that the Respondent No. 3 issued a short term tender notice for restoration of Traffic Work in the District of Madhepura. The reason behind short term notice was due to unprecedented flood, which badly affected the life line of resident of Madhepura District.
4. That it is relevant to state here that in contemplation to the advertisement of short term tender notice, this petitioner purchased B.O.Q on 27.01.2009. The petitioner thereafter filled B.O.Q for the work mentioned and notified in Column No. 25, known as RESTORATION OF TRAFFIC FROM LAXMAINIA MAHGUDA KABRISTAN (East of Dhalhia) under Task Force Block, Alam Nagar.
5. That it is relevant to state here that the face value of work notified was known as RESTORATION OF TRAFFIC FROM LAXMAINIA MAHGUDA KABRISTAN (East of Dhalhia) under Task Force Block, Alam Nagar was Rs. 7,14,743/- and the period for completion of work was scheduled in between 29.12.2008 to 04.01.2009.

6. That it is relevant to state here that in contemplation of filling of B.O.Q an agreement was entered in between the petitioner and the Respondent No. 3 on 29.12.2008. Significant to state here that in contemplation to deed of agreement was registered as Agreement No. 45 F-2/2008-09 having agreement value Rs. 7,14,743/- and the period for completion of work was seven days in 29.12..2008 to 04.01.2009.
7. That it is relevant to state here that the work order was granted simultaneously in favour of the petitioner on 04.01.2009.
8. That it is relevant to state here that the petitioner completed the work on 04.01.2009 and the completion of work was duly incorporated by the Respondents No. 5 & 6. Furthermore, the same was checked and passed by the Respondent No. 3 on 04.01.2009.
9. That it is relevant to state here that the Respondent No. 3 prepared the 1<sup>st</sup> On Account Bill amounting to Rs. 7,14,743/- (Rupees seven lakh fourteen thousand seven



hundred forty three) only, passed from which after deduction the petitioner is entitled to approximately Rs. 5,88,873/- (Rupees five lakh eighty eight thousand eight hundred seventy three) and sent the same before the Treasury.

10. That it is relevant to state here that despite of the order passed by this Hon'ble Court, the petitioner fully complied the direction of this Hon'ble Court, but till date no action has been taken to ventilate the grievances of the petitioner.
11. That the actions of the Contemnor Respondents are obviously a naked example of deliberate defiance of the order.
12. That it is respectfully submitted that the Contemnor Respondents are liable to be prosecuted under Section 12 of the Contempt of Courts Act, as the Contemnor Respondents have no respect, even for judicial pronouncement.
13. That the petitioner having no alternative or efficacious remedy than to invoke the jurisdiction of this Hon'ble Court.

14. That the petitioner has not moved earlier before this Hon'ble Court for initiation of a proceeding for violation of the order passed in C.W.J.C. No. 19015 of 2011.

It is, therefore, prayed that your lordship may graciously be pleased to admit this application, issue Notice to show cause upon the Contemnor Respondents as to why an appropriate proceeding under Article 215 of the Constitution of India r/w Section 12 of the Contempt of Courts Act be not initiated for willful disobedience of the order passed by this Hon'ble Court in C.W.J.C. No. 19015 of 2011.

AND

Or pass any such other order  
or orders as your lordship  
may deem fit and proper.

And for this the petitioner shall ever pray.

## A F F I D A V I T

I, **Ranjan Kumar Singh**, aged about 52 Years, S/o - Late Surendra Prasad Singh, resident of village Vidyapati Nagar, P.O + P.S + District - Saharsa, do hereby solemnly affirm and state as follows :-

1. That I am sole petitioner in this case and am well acquainted with the facts and circumstances of this case.
2. That the contents of this petition have been read over by me which is understood and they are true to my knowledge and belief.
3. That the statement made in paragraphs 3, 7, 10, & 14 are true to my knowledge and the statements made in paragraphs 1, 2, 4, 5, 6 & 8, 9 are derived from the records of the case and rests are by way of submissions.
4. That the annexures are true typed/photo copies of their respective originals.

Annexure-1

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19015 of 2011**

1. Ranjan Kumar Singh S/O Late Surendra Prasad Singh Resident of  
Vidyapati Nagar, P.O. & P.S. and District - Saharsa

..... Petitioner

Versus

1. The State of Bihar
2. The Commissioner cum Secretary Public Works Department,  
Government of Bihar, Patna
3. The Superintending Engineer, Road Construction Division, Road Circle,  
Saharsa
4. The Executive Engineer Public Works Department Madhepura
5. The Executive Engineer, Alam Nagar Block Task Force, Alam Nagar  
Madhepura, District - Madhepura
6. The Junior Engineer Alam Nagar Block Task Force, Alam Nagar  
Madhepura, District - Madhepura
7. The Assistant Engineer The Alam Nagar Block Task Force, Alam Nagar  
Madhepura, District - Madhepura

..... Respondents

**Appearance :**

For the Petitioner/s : Mr. Shri Prakash Srivastava  
For the Respondent/s : Mr. Rakesh Kr Samrendra Sc21

**CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR  
DATTA**  
**ORAL ORDER**

Heard learned counsel for the petitioner and learned  
counsel for the State.

The only grievance of the petitioner is that having  
completed the work of road construction under an agreement of  
2008-09, in the year 2009 itself a final bill for Rs.7,14,743/- was  
prepared and passed from which after deduction the petitioner is  
entitled to approximately Rs.5,88,873/- as due and payable to the  
petitioner, which has remained pending since 3.1.2009.

In aforesaid circumstances, the writ application is

disposed of with a direction to respondent No.5, the Executive Engineer, Alam Nagar Block Task Force, District Madhepura to consider and dispose of the claim of the petitioner within a period of three months from the date of receipt/production of a copy of this order and whatever amount is found due and payable to the petitioner should also be paid to him within a further period of three months thereafter.

*Sd/-*  
(Ramesh Kumar Datta, J)

spa/-

GUARANTEED TO BE TRUE PHOTOCOPY

For Joint Registrar (J)  
Patna High Court  
authorized U/S 74, Art 1

*20-7-2012*  
*30-7-2012*

COPY

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*Annexure 2*

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19015 of 2011**

1. Ranjan Kumar Singh S/O Late Surendra Prasad Singh Resident of Vidyapati Nagar, P.O. & P.S. and District - Saharsa

..... Petitioner

Versus

*Received  
R  
20/3/12*

1. The State of Bihar
2. The Commissioner cum Secretary Public Works Department, Government of Bihar, Patna
3. The Superintending Engineer, Road Construction Division, Road Circle, Saharsa
4. The Executive Engineer Public Works Department Madhepura
5. The Executive Engineer, Alam Nagar Block Task Force, Alam Nagar Madhepura, District - Madhepura
6. The Junior Engineer Alam Nagar Block Task Force, Alam Nagar Madhepura, District - Madhepura
7. The Assistant Engineer The Alam Nagar Block Task Force, Alam Nagar Madhepura, District - Madhepura

..... Respondents

**Appearance :**

For the Petitioner/s : Mr. Shri Prakash Srivastava  
For the Respondent/s : Mr. Rakesh Kr Samrendra Sc21

**CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA**  
**ORAL ORDER**

2 27-02-2012

Heard learned counsel for the petitioner and learned counsel for the State.

The only grievance of the petitioner is that having completed the work of road construction under an agreement of 2008-09, in the year 2009 itself a final bill for Rs.7,14,743/- was prepared and passed from which after deduction the petitioner is entitled to approximately Rs.5,88,873/- as due and payable to the petitioner, which has remained pending since 3.1.2009.

In aforesaid circumstances, the writ application is

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disposed of with a direction to respondent No.5, the Executive Engineer, Alam Nagar Block Task Force, District Madhepura to consider and dispose of the claim of the petitioner within a period of three months from the date of receipt/production of a copy of this order and whatever amount is found due and payable to the petitioner should also be paid to him within a further period of three months thereafter.

Sd/-  
(Ramesh Kumar Datta, J)

spa/-

certified to be true photocopy  
For Joint Registrar (J)  
Patna High Court  
authorized V/S 76, Art 1  
20.2.2012  
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