

1/15/12  
19/18/12

**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. 2411 of 2009)

M/s Print Palace ..... **Petitioner**

**Versus**

The State of Bihar and another ..... **Opposite Parties**

**Subject : Contempt**

**INDEX**

<b><u>Sl.No.</u></b>	<b><u>Particulars</u></b>	<b><u>Page Nos.</u></b>
1.	An application under Section 12 of Contempt of Court Act 1971 and under Article 215 of Constitution of India.	1 to 9
2.	Annexure-1: Copy of order dated 08.09.10 passed in CWJC No. 2411 of 2009.	10-12
3.	Annexure- 2:A copy of the representation dated (Series) 26.07.11 and postal receipt dated 26.07.2011.	13-14
4.	VAKALATNAMA	

**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. 2411 of 2009)

In the matter of an  
application under Section 12  
of Contempt of Court Act 1971  
and under Article 215 of  
Constitution of India for  
disobedience of the Hon'ble  
High Court's Order dated  
08.09.2010 passed in  
C.W.J.C. No. 2411/2009 by  
Hon'ble Mr. Justice Ramesh  
Kumar Datta and for

(2)

initiation of contempt  
proceeding against opposite  
parties

AND

In the matter of

M/s Print Palace, A proprietorship firm through its Proprietor  
Pradip Kumar Shaw, son of Gour Mohan Shaw, Office situated  
at Pranab Mansion, 304, Park Road, P.O. and P.S. Kadamkuan,  
Dist. Patna. ....Petitioner.

Versus

- 1) The State of Bihar.
- 2) Dr. Parshuram Prasad S/o name not kown, the Civil  
Surgeon-cum-Chief Medical Officer, Madhepura, Bihar.

.....Opposite Parties

To,

The Hon'ble Ms. Justice Rekha M. Doshit, The Chief Justice

(3)

of the High Court of Judicature at Patna and her companion  
Justices of the said Hon'ble High Court.

The humble petition on behalf  
of the petitioner abovenamed.

**Most respectfully sheweth :**

- 1) That the present petition is being filed for initiating a contempt proceeding against O.P. No. 2 herein for willful disobedience and non compliance of order dated 08.09.2010 passed by Hon'ble Mr. Justice Ramesh Kumar Dutta in C.W.J.C. No. 2411 of 2009 and or appropriately penithing the said opposite party.
- 2) That the petitioner has preferred a writ petition being C.W.J.C. No. 2411 of 2009 for a direction on the respondents concerned to make available the funds and make payment of admitted dues of the petitioner firm of Rs. 1,06,851/- for the articles admittedly supplied by

(4)

petitioner to the respondents in connection with National Filaria Eradication Programme, 2004-05 regarding Madhepura district and for grant of interest @ 12% per annum on the aforesaid amount from 30.11.04 till actual payment of the said amount on account of delayed payment.

- 3) That the Hon'ble High Court has been pleased to dispose off the writ petition on 08.09.2010 with a direction to the respondent No. 3, Civil Surgeon-cum-Chief Medical Officer, Madhepura, to consider and dispose of the claim of the petitioner after whatever scrutiny he finds appropriate within a period of three months from the date of receipt/ production of a copy of this order and the payment should also be made thereafter within a further period of two months. Any allotment if required to be made must be ensured by the respondent No. 2, Commissioner-cum-Secretary, Department of Health, Government of Bihar.

(5)

Copy of order dated  
08.09.2010 passed in  
C.W.J.C. No. 2411 of 2009 is  
annexed as Annexure-"1" to  
this petition.

- 4) That the petitioner in compliance with the aforesaid order represented before opposite party no. 3 with a copy of order dated 08.09.2010 passed in C.W.J.C. No. 2411 of 2009 firstly on 20.03.2011 and also on 26.07.2011, but no action has been taken by opposite party till date in view of direction of this Hon'ble Court.

A copy of the representation dated 26.07.11 and postal receipt dated 26.07.2011 are annexed as Annexure -"2" Series to this petition.

- 5) That the petitioner waited for some time for decision by the Civil Surgeon-cum-Chief Medical Officer in compliance of order of this Hon'ble High Court, but when no decision was communicated, the petitioner personally met the Civil Surgeon in 2nd week of March 2012 who assured to the petitioner look in to the matter and do the needfull. However, till date no decision in the matter has been communicated to the petitioner. Hence, there is no option left to the petitioner than to move before this Hon'ble Court in contempt jurisdiction.
- 6) That therefore the present contempt petition is being filed for initiation of contempt proceeding against the opposite party No. 2 for disobedience of the order dated 08.09.2010 passed in C.W.J.C. No. 2411 of 2009 by Hon'ble Mr. Justice Mr. Ramesh Kumar Dutta as the opposite party no. 2 has willfully disobeyed the order of the Hon'ble High Court and is sitting tight over the matter.

(7)

- 7) That in the ends of justice as the opposite party No. 2 has willfully disobeyed the order of the Hon'ble High Court and failed to decide the claim of the petitioner and pay the claimed/ordered amount to the petitioner within time prescribed by the Hon'ble High Court, the said O.P. NO. 2 liable to be punished for disobedience of the Hon'ble High Court's order dated 08.09.2010 passed in C.W.J.C. No. 2411 of 2009.
- 8) That the petitioner has not filed any other contempt application earlier for disobedience of order dated 08.09.2010, passed in C.W.J.C. No. 2411 of 2009 by the Hon'ble High Court.

It is therefore prayed that your Lordships may be pleased to issue show cause notice to the opposite party No. 2 as to why a contempt



(8)

against him and why he be not punished for disobedience of the Hon'ble High Court's order dated 08.09.2010 passed in C.W.J.C. No. 2411 of 2009 and after cause if any, shown and after hearing the parties be pleased to punish the opposite party No. 2 for disobedience of Hon'ble High Court's order and further be pleased to direct him to issue orders to pay the claimed/ due amount to the petitioner and allow this petition or pass such order or orders as to your Lordships may deem fit and proper.

And for this the petitioner shall ever pray.

(9)

**AFFIDAVIT**

I, Pradip Kumar Shaw, aged about 35 years, S/o Sri Gour Mohan Shaw, resident of Pranab Mansion, 304, Park Road, P.O. and P.S. Kadamkua, District - Patna, do hereby solemnly affirm and say as follows :-

- 1) That I am the sole petitioner of firm and as such I am well acquainted with the facts and circumstances the case.
- 2) That I have gone through the contents of this petition and affidavit and have understood the same and they are true to my knowledge.
- 3) That the annexure Nos. - 1 & 2 Series are copies of their respective originals.

DEPARTMENT OF POST  
BIHAR CIRCLE

भारत

STAMP DUTY

0 0 0 0 0

बिहार  
JUDICIAL

COURT FEE



Rs. ≈ 0000003 ≈ - 1.9.2010

372/01

A. Roushan  
9355 BIHAR

AUTH NO. 3183 DT. 16/12/2008

INDIA

\*Zero\*Zero\*Zero\*Zero\*Zero\*Zero\*Zero\*

0939 5524735

IN THE HIGH COURT OF JUDICATURE AT PATNA

CWJC No.2411 of 2009

M/S PRINT PALACE, A PROPRIETORSHIP FIRM THROUGH ITS  
PROPRIETOR PRADIP KUMAR SHAW, SON OF GOUR MOHAN SHAW,  
OFFICE SITUATED AT PRANAB MANSION, 304, PARK ROAD, P.O. AND P.S.  
KADAMKUAN, DISTRICT PATNA-----PETITIONER

Versus

1. THE STATE OF BIHAR  
2. THE COMMISSIONER-CUM-SECRETARY, DEPARTMENT OF HEALTH,  
BIHAR, PATNA  
3. THE CIVIL SURGEON-CUM-CHIEF MEDICAL OFFICER, MADHEPURA,  
BIHAR  
4. THE ACCOUNTANT GENERAL, BIHAR-----RESPONDENTS

For the petitioner : Mr. Jitendra Kishore Verma, Advocate  
For Respondent No.3 : Mr. Ashok Kr. Dubey, AC to AAG IX  
For Respondent No.4 : Mr. J.P. Karn, Advocate

4. 08.9.2010

The petitioner seeks a direction on the respondents to

make payment of the admitted dues of the petitioner to the  
extent of Rs. 1,06,851/- and to make the funds available for  
the same.

The case of the petitioner is that he had made  
supplies of certain articles under the National Filaria  
Eradication Programme, 2004-05 and submitted bills for  
the same in the year 2004 itself. It is further submitted that  
the bills were approved and passed/cleared for payment on  
14.2.2005 by the Civil Surgeon-cum-Chief Medical  
Officer, Madhepura, but the payment was not made  
because of non-grant of authority slip for payment by the  
Accountant General, Bihar.

In the counter affidavit filed on behalf of the Accountant General, Bihar, it is stated that there is no requirement of any authority slip being issued by the Accountant General in the present matter and it is for the respondent authorities of the State of Bihar to take steps for payment of the admitted dues.

An attempt has been made in the counter affidavit to cast some shadow on the supply of materials by the petitioner although the same appears to be the usual diversionary tactics of the officials of the State of Bihar. Since the bills had earlier been duly approved and passed by the Civil Surgeon-cum-Chief Medical Officer and only on the plea of non-grant of authority slip by the Accountant General payment had not been made such other pleas are not appropriate at this stage.

In the aforesaid view of the matter, the writ application is disposed of with a direction to the respondent No.3, Civil Surgeon-cum-Chief Medical Officer, Madhepura, to consider and dispose of the claim of the petitioner after whatever scrutiny he finds appropriate within a period of three months from the date of receipt/production of a copy of this order and the

payment should also be made thereafter within a further period of two months. Any allotment if required to be made must be ensured by the respondent No.2, Commissioner-cum-Secretary, Department of Health, Government of Bihar.

Sd/- (Ramesh Kumar Datta, J.)

Spal/

CERTIFIED TO BE TRUE PHOTO COPY  
 For Joint  
 Pat  
 subscribed to... of 1877  
 21.9.2010  
 21.9.2010

COPIES

ANNEXURE - 2 Series

(13)

To  
The District Collector, District Magistrate Office,  
Madhepura, Bihar

Ref :- Regarding order dated 08.09.2010 passed in C.W.J.C. No. 2411 of 2009 (M/s Print Palace Vs. The State of Bihar) for consideration of claim of petitioner.

Sir,

This representation is being filed to bring to your kind notice the order dated 08.09.2010 passed in C.W.J.C. No. 2411 of 2009 by the Hon'ble Patna High Court in pursuance of order passed herein. A certified copy of the order dated 08.09.2010 enclosed therein. I had filed the aforesaid writ for payment of the admitted dues of Rs. 1,06,851/- regarding materials and articles admittedly supplied by the petitioner firm in connection with National Filaria Eradication Programme, 2004-05. The petitioner admittedly submitted the bills which were duly passed for payment vide Bill Nos. 35 to 37 / 2004-05 dated 14.02.2005. However payment has not been made hence the writ was filed.

The Hon'ble High Court vide order dated 08.09.2010 has been pleased to direct you to consider the claim of petitioner within three months and make payment within further two months.

In such circumstances I request you to make the payment of my admitted dues as early as possible and for that petitioner will be highly obliged.

Yours sincerely

For Pradi Kumar Shanti

*Pradi Kumar Shanti*  
Proprietor

Enclosures :-

1. C.C. of order dated 08.09.2010 passed in C.W.J.C. No. 2411/2009.

M. KADAM RUMI <800003>

A 4452

Counter No:1,CP-Code:003

To:CIVIL SURGEON C.M. MADHE PUNA  
MADHEPURA



Wt:20grams,

Fac:22.00, 26/07/2011, 10:50

<have a nice day>>