

CP2  
14/5/14

IN THE HIGH COURT OF JUDICATURE AT PATNA  
(Miscellaneous Judicial Jurisdiction)

M.J.C.No. \_\_\_\_\_ of 2014

Girija Ram,..... ... Petitioner

Versus

The State of Bihar & ors.... Respondents.

Sub ; Contempt matter .

I N D E X

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1.	Contempt petition with Affidavit.	1 to 7.
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IN THE HIGH COURT OF JUDICATURE AT PATNA

(Miscellaneous Judicial Jurisdiction)

M.J.C.No. \_\_\_\_\_ of 2014 (Contempt)

In the matter of an  
application Under Sections  
11 and 12 of the Contempt  
of Courts Act, read with  
Article 215 of the  
Constitution of India;

A n d

In the matter of :-

Girija Ram S/o Late Abadh Bihari Ram,  
resident of village-Bilari, P.O.Salari, P.S.Kargahar,  
District-Rohtas, at Sasaram at present Executive  
Engineer, District-Urban Development Authority, Saharsa  
P.S. and District-Saharsa.

...

... Petitioner.

2.

1. The State of Bihar through the Chief secretary,

Old Secretariat, Bihar, Patna; namely Sri Ashok Kumar  
Singh,

2. The Principal Secretary, Urban Development Department,

Govt. of Bihar, Patna, namely Sri S. Sidhartha

3. The Principal Secretary, Rural Development Deptt.

Govt. of Bihar, Patna; namely Sri Dr. S. Rajendra

4. The Chief Engineer, Rural Development Department,

Bhagalpur, namely Sri Akshay Ram

5. The Chief Engineer, Urban Development Department,

New Secretariat, Patna, namely Sri Laxmi Nr. Das

6. The Superintending Engineer, Rural Development

Department, Saharsa, namely Sri Surendra Jha,

7. The Superintending Engineer, Urban Development

Department, New Secretariat, Patna, Sri Bashishtha

Narayan,

8. The District Magistrate, Saharsa, namely Sri Shashi

Bhushan Kumar;

3.

Gopal Mina,

10. The Executive Engineer, Rural Development Department,

Madhepura, namely Sri Shailendra Kumar Verma,

.... Opposite 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 petitioner

above named,

Most Respectfully Sheweth :-

1. That this is an application for initiation of Civil contempt against the contemnoers/Opposite parties for wilful disobedience to the order dated 13.1.14 passed by the Hon'ble Mr. Justice Ajay Kumar, Tripathi, J. in C.W.J.C.No.16004/12 (Girija Ram Vs. The State of Bihar & ors.).

4.

2. That no such application has ever been preferred on behalf of the petitioner any time earlier than this in the instant matter in this Hon'ble Court.

3. That the facts of the case are not being dealtwith herein as the same are on record in connected writ application bearing C.W.J.C.No.16004/12.

4. That the aforesaid writ bearing C.W.J.C. no.16004 of 12 was filed by the petitioner for the payment of the arrears of salary as well as for interest.

5. That the said writ was placed before the Hon'ble Mr.Justice Ajay Kumar Tripathi,J. and vide order dated 13.1.14 passed by Hon'ble Mr.Justice Ajay Kumar Tripathi,J. the said case was disposed of.

The true/photocopy of the  
order dated 13.1.14 is  
Annexure-1 to the petition.

6. That from perusal of Annexure-1 it is evident that direction has been given to take steps for payment of admitted dues within a period of three

5.

three months from the date of production/ communication of a copy of this order, if there are no legal impediments as such.

7. That alongwith the copy of the order aforesaid the petitioner sent representation before the O.P.No.10 through registered post on 22.1.14 requesting therein to redress his grievance in view of the order dated 13.1.14 aforesaid by this Hon'ble Court.

The true/photocopy of the representation dated 22.1.14 is Annexure-2 to the petition.

8. That again on 7.2.14 and 26.3.14 the petitioner sent representations before O.P.No.10 reminding him therein if the direction of this Hon'ble Court as contained in Annexure-1.

9. That the stipulated period has perused but the O.Ps./Contemnors have not taken any step for

6.

to the petition.

10. That there is wilful disrespect on the part of the contemnors/Opposite parties to order aforesaid dated 13.1.14 in C.W.J.C.No.16004/12 for which they should suitably be punished.

It is, therefore, prayed that your Lordships may graciously be pleased to allow this application and to initiate contempt proceeding against the petitioners for wilful disobedience to the order dated 13.1.14 in C.W.J.C.No.16004/12 by Hon'ble Mr. Justice Ajay Kumar Tripathy, J.

And/or

Be further pleased to pass such other order/orders as your Lordships may deem fit and proper.

And, for this, the petitioner shall ever pray.

A f f i d a v i t

I, Girija Ram S/o Late Abadh Bihari Ram, aged about 55 years resident of village-Bilari, P.O. Silari, P.S. Kargahar, District-Rohas, at Sasaram, do hereby solemnly affirm and state as follows :-

1. That I am petitioner in this case and as such am fully acquainted with the facts and circumstances of the case.
2. That the contents of this writ petition have been read over and explained to me in Hindi and which I have fully understood and they are true to my knowledge.
3. That the statement made in paragraphs 2, 3, 4, 6(P), 7, 8, 9, 10 are correct and true to my knowledge those statement made in paragraphs # 5, 6(P) are based on information, derived from the records of the case and rest are by way of submissions.
4. That the annexures are true/photocopies of their respective originals.



Annexure - 1

IN THE HIGH COURT OF JUDICATURE AT PATNA  
Civil Writ Jurisdiction Case No.16004 of 2012

Girija Ram, S/o Late Abadh Bihari Ram, resident of Village-Bilari, P.O.-  
Silari, P.S.-Kargahar, District-Rohtas at Sasaram at present Executive  
Engineer, District Urban Development Authority, Saharsa, Patna and District-  
Saharsa

..... Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna
2. The Principal Secretary, Urban Development Department, Government of Bihar, Patna
3. The Principal Secretary, Rural Development Department, Government of Bihar, Patna
4. the Chief Engineer, Rural Development Department, Bhagalpur
5. The Chief Engineer, Urban Development Department, New Secretariat, Patna
6. The Superintending Engineer, Rural Development Department, Saharsa
7. The Superintending Engineer, Urban Development Department, New Secretariat, Patna
8. The District Magistrate, Saharsa
9. The District Magistrate, Madhepura
10. The Executive Engineer, Rural Development Department, Madhepura

..... Respondent/s

Appearance :

For the Petitioner/s Mr. Amarnath Jha  
For the Respondent/s Mr. Rajeev Kr. Singh Gp15

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI  
ORAL ORDER

\*\*\*\*\*

04. 13.01.2014

Heard learned counsel for the parties.

No counter affidavit on behalf of the State has been filed.

Petitioner's has raised grievance against non-payment of his salary and other entitlements for varied periods, details of which have been indicated in paragraph 9 of the writ application.

Whatever be the reason for non-settlement of the claim of the petitioner under the salary head, the

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GOV. OF BIHAR  
REGISTRATION EXCISE & PROFESSIONAL  
PATNA SCORER PATNA  
Issued by Certified Copy  
CORPORATION COURT  
Stamp Duty  
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0000002  
17.1.2014  
375459  
BIHAR  
3628 5621567

same is now required to be looked by the Executive Engineer, Rural Development Department, Madhepura, Respondent No. 10 and steps for payment of admitted dues must be taken within a period of three months from the date of production / communication of a copy of this Order, if there are no legal impediments as such.

Writ application is disposed off with observation / direction as above.

(Ajay Kumar Tripathi, J.)

SKM/-

CERTIFIED TO BE TRUE COPY

18/01/14

For Registrar (J)

Patna Court

Authorised U/S Section 1 of 1872

Ranish Kumar

A.S.O.

18/01/2014

20190/9034

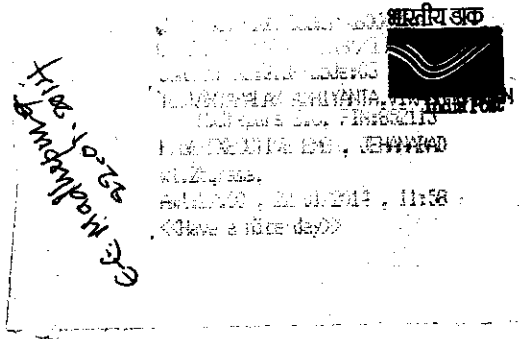
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Annexure-2

10

सेवा में,

कार्यपालक अभियंता,  
ग्रामीण कार्य विभाग,  
मधोपुरा ।



विषय :- बकाया राशि वित्त आवेद भंगतान के संदर्भ में ।  
महाशय,

नमू निवेदन है कि मैं सहायक अभियंता के रूप में ग्रामीण कार्य विभाग मधोपुरा में पदस्थापित था । वित्त आवेद मद में मेरा बकाया मई 2009 का वित्त- 26092.00, दि० 1-6-2009 से 19-06-2009 का वित्त-18,717.00, दि० 1-01-2009 से 30-05-2009 तक मंथगार्ड भात्ता- 6334.00, अक्टूबर 1990 से मार्च 1999 तक बकाया- 10000.00 रुपया एवं यात्रा भारता का बकाया - 4382.00 रु०, कुल - 67823/-रु० है । नही भंगतान होने के कारण मैंने सी.एच.ए.ओ.सी. संख्या-18004/12 माननीय पटना उच्च न्यायालय में दाखिल किया था जिसका निस्तारण दि० 13-1-14 को हुआ ।

ऊक्त आवेद के अलावा मैं श्रीमान् के समान आवेदन इत आशय का वे रखा हूँ कि मेरा उक्त बकाया वित्त एवं उस पर ब्याज का भंगतान किया जाय ।

दिनांक : 22.11.14

अनुलग्नक :-

- 1- सी.एच.ए.ओ.सी. संख्या- 18004/12 में पारित आवेद की दिनांक 13-1-14 की प्रतिलिपि ।

विद्वान्नाम

22.11.14

। गिरिषा राम ।  
तत्कालीन सहायक अभियंता  
ग्रामीण कार्य विभाग, कार्य अवर परमंडल,  
मधोपुरा ।