

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cont. Case (C) No. 776 of 2019

Toshleshwar Pandey

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Petitioner

Versus

1.The State of Jharkhand.

2.Mr. Avinash Kumar, son of not known to the opposite parties, Principal Secretary, Rural Development Department, Jharkhand, Ranchi, having its office at Project Building, P.O. Jagannathpur, P.S. Hatia, District Ranchi.

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Opp. Parties

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioner : Mr. Shailendra Kumar Sinha, Advocate

For the Opp. Parties : Mr. Sachin Kumar, AAG

4/Dated: 26th June, 2020

The matter has been heard through video conferencing with the consent of the learned counsel for the parties. They have no complaint about any audio and visual connectivity.

The instant contempt application has been filed for alleged non-compliance of the order dated 18.06.2019 passed in W.P.(C) No.6110 of 2017, whereby and whereunder following order has been passed:

“9. In view thereof, the writ petition stands disposed of, directing the Principal Secretary, Rural Development Department, Government of Jharkhand to take decision considering the enquiry report dated 18.11.2013 as has been annexed as Annexure-7 by passing a speaking order within a period of three weeks from the date of receipt of copy of the order.”

Mr. Sachin Kumar, learned AAG has submitted by referring to Annexure-A appended to the show cause filed on behalf of the opposite party by making submission that the order has been complied with and since the order has been passed as contained in Annexure-A dated 14.09.2019 in terms of the order passed by the writ Court whereby and whereunder the claim of the petitioner has been denied with a decision that no amount is to be paid to the petitioner by the State. He has further submitted that petitioner

is to pay certain amount i.e. to the tune of Rs.18,043/ to be deposited in the State Exchequer.

Mr. Shailendra Kumar Sinha, learned counsel for the petitioner has submitted that the order has not been complied with in its letter and spirit since according to him certain amount has still not been paid.

Mr. Sachin Kumar, learned AAG has seriously disputed the aforesaid argument by making his submission that whatever dispute now is being agitated by the learned counsel for the petitioner that cannot be a subject matter of the contempt jurisdiction of this Court.

This Court after having heard learned counsel for the parties and considering the order passed by this Court in W.P.(C) No.6110 of 2017, is of the view that since there was a direction to the competent authority of the State of Jharkhand to take decision, in pursuance thereof, order has been passed on 14.09.2019 denying the claim of the writ petitioner.

In view thereof since the competent authority of the State of Jharkhand has taken decision in terms of the order passed by the writ Court, according to this Court no contempt is made out.

In view thereof the contempt application is dismissed, however, reserving liberty to the petitioner to approach before the competent court of law/forum, if he is still aggrieved with the order dated 14.09.2019.

The contempt application stands disposed of.

(Sujit Narayan Prasad, J.)