
(2012) 03 JH CK 0123

In the Jharkhand High Court

Case No : Cont. Case (Civil) No. 599 of 2011

Bindeshwari Prasad Choudhary

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 05-03-2012

Acts Referred:

High Court of Jharkhand Rules, 2001 — Rule 393

Citation : (2012) 03 JH CK 0123

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Judgement

D.N. Patel

1. Learned counsel for the petitioner submitted that the petitioner was not given certain benefits and, hence, writ petition being W.P. (S) No. 2779 of 2007 was instituted and detailed order was passed on 10th September, 2009 and in that order grant of benefit of second Assured Career Progression was not mentioned and, therefore, C.M.P. No. 340 of 2010 was instituted and it was ordered by this Court that the benefit of second Assured Career Progression should be considered and it should be decided by the respondents. The representation of the petitioner was ordered to be decided within six months. It is also submitted by learned counsel for the petitioner that the benefit of grant of second Assured Career Progression has also been admitted by the respondents in their counter affidavit, filed in W.P. (S) No. 2779 of 2007. Thus, neither the order dated 28th August, 2010 is complied with nor any affidavit has been filed nor the direction given by this Court vide order dated 2nd March, 2012 has been complied with.

2. Learned counsel for the State submitted that the officer, namely, Sri Ranjit Ranjan Prasad, S/o Late S.N. Prasad, Assistant, Department of Health, Government of Jharkhand, Ranchi is present in the Court and it is also submitted that some Committee is going to be constituted, which will consider the case of the petitioner, in future.

3. This Court is not satisfied by this reply. The direction given by this Court vide order dated 28th August, 2010 has not been complied with nor the responsible officer, who is well conversant with the facts of the present case, is present in the Court. No reply has been filed, despite the copy of this contempt case was given to the office of the Advocate General of the State of Jharkhand on 26th September, 2011.

4. I therefore issue notice under Rule 393 of the Jharkhand High Court Rules, 2001 in Form No. 1 upon opposite party No. 2 (Heath Secretary, Department of Health, Government of Jharkhand, Ranchi). He shall remain personally present before this Court on the next date of hearing at 10:30 a.m.

5. The matter is adjourned to be listed on 28th March, 2012.