
(1995) 08 PAT CK 0027
In the Patna High Court
Case No : M.J.C. No. 229 of 1993 (R)

Dineshwar Mahto and Others

APPELLANT

Vs

Bihar State Electricity Board and Others

RESPONDENT

Date of Decision : 03-08-1995

Acts Referred:

Citation : (1995) 2 BLJR 1203

Hon'ble Judges : S.K. Homchaudhuri, J; Gurusharan Sharma, J

Bench : Division Bench

Judgement

S.K. Homchaudhuri and Gurusharan Sharma, JJ.—Heard learned Counsel for the petitioner and the learned Counsel for the opposite parties.

2. This proceeding under contempt of court has been initiated against the opposite parties on the basis of the Court contained in the order dated 4.3.1993 passe in CWJC No 3658 of 1992 (r)

3. The opposite parties in their show cause have contended that the list of the persons displaced due to construction of the project not having been submitted by the Deputy Commissioner of the district, they could not comply with the direction to consider the cases of the petitioners for employment inasmuch as the displaced persons as per the approved list of the Deputy Commissioner are entitled for consideration of employment. The contention of the opposite parties is not controverted by the petitioners.

4. That being so, in our opinion, there was no wilful disobedience on the part of the opposite parties in carrying out the direction of this Court and the proceeding ought to have been dropped after receipt of the show cause filed by the opposite parties, inasmuch as scope of enquiry in a contempt proceeding is confined to see as to whether the opposite parties have wilfully disobeyed and/or violated the direction of this Court or not. Unfortunately, however, at the instance of the petitioners, the proceeding has to be continued and extended beyond the scope of enquiry to a considerable extent.

5. For the reasons stated above, the proceeding is dropped and the rule is discharged, The petition is disposed of.

6. It is submitted by the learned Government that the Deputy Commissioner has by now prepared the list of such displaced persons numbering 561 and the list would be supplied to the Bihar State Electricity Board shortly, if not already done. If that be so, the board will certainly examine the list and if the names of the petitioners are included in the list, and will pass appropriate order in the light of the direction of this Court continued in the order dated 4.3.1993 passed in CWJC No. 3658 of 1992 (r).