
(2004) 04 JH CK 0046
In the Jharkhand High Court
Case No : Cont. Case (Civil) No. 873 of 2003

Lakshmi Barai

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 29-04-2004

Acts Referred:

Citation : (2004) CriLJ 3021 : (2004) AIR Jhar HCR 1868 : (2004) 3 JCR 107

Hon'ble Judges : Tapen Sen, J

Bench : Single Bench

Advocate : H.K. Jha, for the Appellant; Shamim Akhtar, SC-II; Rajan Prasad Sinha, for the opposite party No. 2, for the Respondent

Judgement

Tapen Sen, J.—Heard Mr. H.K. Jha, learned counsel for the petitioner, Mr. Shamim Akhtar, learned SC-II for the State of Jharkhand and Mr. Raj an Prasad Sinha, learned counsel for the opposite party No. 2.

2. The petitioner has filed the instant contempt application for violation/non compliance of the order dated 14.03.2002 passed in CWJC No. 4970 of 2001 as well as for violation of the order dated 05.05.2003 passed in Contempt Case (Civil) No. 643 of 2002.

3. It is seen that by order dated 14.03.2002, this Court had disposed off the writ petition with a direction upon the respondent No. 2 to pass a reasoned order upon the representation of the petitioner within a period of three months from the date of receipt thereof pursuant thereto, an order was passed on 03.05.2003 but it was passed without giving a reasonable opportunity of hearing to the petitioner whereafter a Contempt Case (Civil) No. 643 of 2002 was filed. On 05.05.2003, the contempt application was disposed off with the following direction ;--

".....In that view of the matter and taking into consideration the explanation furnished by the Secretary in his cause filed today and also appreciating the promptitude with which he has acted and accepting the submission of Mr. H.K.

Jha to the effect that he was entitled to an opportunity of hearing, this Court, therefore, disposes off the contempt application and directs the Secretary to pass a fresh reasoned order in accordance with law after giving opportunity in the manner directed in CWJC No. 4970 of 2001. If the petitioner even thereafter feels aggrieved, he shall have the liberty to challenge the same in an appropriate proceedings before an appropriate Court."

4. It is pursuant to the aforementioned order that the opposite party authority has passed another order dated 20.04.2004. Although Mr. H.K. Jha, learned counsel for the petitioner submits that this order is identical to the one that was passed earlier yet it cannot be said to be a deliberate disobedience of the order passed by this Court. In any event, if the petitioner is still aggrieved by the said order dated 20.04.2004, he will be at liberty and will be entitled to challenge the same before an appropriate forum in accordance with law. The contempt application however does not survive any further.

5. In that view of the matter, this contempt application is closed giving liberty to the petitioner to challenge the said order i.e. the order dated 20.04.2004 brought on record vide Annexure-A to the cause filed by the opposite party No. 2 before an appropriate forum.