
(1987) 08 PAT CK 0021
In the Patna High Court

Naulakha Devi

APPELLANT

Vs

The State of Bihar and Another

RESPONDENT

Date of Decision : 10-08-1987

Acts Referred:

Citation : (1987) PLJR 938

Hon'ble Judges : S.B. Sanyal, J

Bench : Single Bench

Judgement

S.B. Sanyal. J.

1. A very unfortunate thing prevails in the Secretariat of the State Government. It appears that writs that are issued by this Court for their compliance are rarely placed before the Government, namely, the Secretary to the Department to which the case relates. It keeps on tossing from table to table of the clerk like a shuttle cork resulting in delay in the implementation of the order of this Court for years and even about a decade. Only the other day there was a similar contempt of the Joint Secretary, Education Department, where the order of this Court was implemented eight years after the order was rendered under same and similar pleas. After filing of two contempt petitions the matter received the attention of the authority concerned and the directions were carried out. The plea in the present case is also same and similar. Here there has been a delay of about two years in implementing the order of this Court. I direct the respondent State Government that henceforth all orders and/or writs that are passed for compliance should be placed first before the Secretary of the concerned department with utmost despatch. The Secretary of the concerned department is also directed that he must personally peruse the order and give directions to his subordinates as is required by the judgment. The Chief Secretary to the Government of Bihar shall issue a circular in this regard to all the Heads of Departments, that is, it is their bounded duty to peruse the order and take action in the matter. Any delay thereafter in carrying out the directions of the Court will squarely lie on the departmental head and the plea that he has come to join the

post at some later date or that he is not aware of the order of the High Court or that the matter was pending with the clerk in charge and so on and so forth will not be entertained by this Court. His liability will be vicarious and he will be accordingly punished. The Court regrets that it has become an executing Court, for the directions issued years before, when the petitioner files an application of contempt. This state of affairs cannot be permitted to continue any more.

2. In the facts and circumstances of this case since the order has already been carried out, I accept the plea of apology and discharge the contemner from contempt of Court.

3. There is some dispute as to the amount payable to the petitioner. Whereas according to pre-audit the sum payable as per the directions in the judgment is Rs. 11,700/- and odd but according to the Treasury it is Rs. 20,000/- and odd. Learned Counsel for the petitioner states that the matter has been referred to the Auditor General for clarification: I hope the matter should be clarified by the Auditor General at an early date. The sum of Rs. 11,700/- and odd has already been received by the petitioner.

4. Let a copy of this order be sent to the Chief Secretary to the Government of Bihar for his compliance. The rule is discharged and the application is thus disposed of.