

(2019) 09 PAT CK 0160

In the Patna High Court

Case No : Miscellaneous Jurisdiction Case No. 505 Of 2016, Civil Writ Jurisdiction Case No. 15242 Of 2012

Ravindra Kumar

APPELLANT

Vs

State Of Bihar Through Principal Secretary

RESPONDENT

Date of Decision : 25-09-2019

Acts Referred:

Citation : (2019) 09 PAT CK 0160

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Kunal Tiwary, Kumar Pankaj, Ranjeet Kumar Pandey

Final Decision : Allowed

Judgement

1. Heard learned counsel for the petitioner; learned AC to SC 5 for the State and Mr. Ranjeet Kumar Pandey, learned counsel for the Patna Municipal Corporation (hereinafter referred to as the 'Corporation').

2. The petitioner has moved the Court alleging wilfull and deliberate violation of order dated 05.10.2012 passed in CWJC No. 15242 of 2012.

3. By the said order, the Corporation was required to take a decision with regard to promotion of the petitioner positively within two months from the date of receipt of a copy of the order.

4. According to the petitioner, which has not been disputed, the order was communicated to the authorities shortly thereafter. Thus, the order not having been complied for almost seven years, the contempt stands proved.

5. However, in the 5th supplementary show cause filed on behalf of the Corporation today, copy of order of the Municipal Commissioner of the Corporation dated 21.09.2019 has been brought on record to indicate that the petitioner has been given promotion from 09.11.2018 and all due benefits accruing pursuant thereto have been directed to be made by the Executive

Officer of the concerned Water Supply Section of the Corporation.

6. The Court when called upon to take a decision with regard to such belated compliance, in view of the Corporation taking a categorical stand before the Court that consequential dues of the petitioner shall be paid to him within three months, is inclined to accept the apology tendered and grant indulgence.

7. Accordingly, the application stands disposed off in light of the undertaking given, based on the telephonic instructions received by learned counsel for the Corporation from the Additional Municipal Commissioner and Executive Officer of the Water Supply Section of the Corporation, that whatever is found due and admissible, in accordance with law, in terms of the order dated 21.09.2019 of the Municipal Commissioner of the Corporation, as contained in Letter No. 13178, copy of which has been made Annexure N to the 5th supplementary show cause filed on behalf of the Corporation today, shall be paid to the petitioner within three months from today.