

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Contempt Case (Civil) No. 164 of 2021

Lakhan Prasad Yadav Petitioner
Versus
The State of Jharkhand and others ... Opposite Parties

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI
For the Petitioner :Mr. Manoj Tandon, Advocate
Mr. Rakesh Kumar Roy, Advocate
For the State : Mr. Prabhat Kumar, S.C.-II
.....

16/29.08.2025: Pursuant to order dated 22.08.2025 Mr. Prashant Kumar, Secretary, Water Resources Department, Government of Jharkhand, Mr. Md. Jamil Akhtar Chief Engineer, Water Resources Department, Government of Jharkhand, Mr. Sanjiv Kumar, Superintendent Engineer, Tenughat Dam Division, Tenughat, Mr. Ranjit Kujur, Executive Engineer, Tenughat Dam Division, Tenughat are physically present before this Court along with Mr. Prabhat Kumar, learned counsel for the State.

2. How these contemners have been asked to appear this time that will surface from the facts which are now being dictated.

3. W.P.(S) No. 6207 of 2018 has been disposed of by order dated 01.12.2020 by observing as under:-

In view of the admitted position that the petitioner was allotted the work of Class-III post by the respondents and considering the judgments Dhir and State of Punjab and another V. Dharam Pal (supra), the petitioner is entitled to salary for the period he has worked of the competent authority. Thus, the petitioner shall be entitled to salary of Class-III post for the period he has worked. Accordingly, the respondents are directed to pay salary to the petitioner for the period he has worked on Class-III post."

4. The aforesaid writ court order has been challenged by the respondents-opposite parties before the Division Bench in L.P.A. No. 287 of 2021 and the said L.P.A was dismissed by order dated 21.02.2023 thereafter the said order has been challenged before the Hon'ble Supreme Court in Special Leave to Appeal (C) No.(s). 11509/2023 which was dismissed by

order dated 19.03.2025 which reads as under:-

" 1.Delay Condoned.

2.In the facts and circumstances of the case(s), we are not inclined to interfere with the impugned judgment(s) passed by the High Court. Hence the Special Leave Petitions are dismissed.

3. We grant four weeks' time to the State to implement the order passed by the High Court.

4. Pending applications, if any, shall stand disposed of."

5. In the above petition, the Hon'ble Supreme Court granted four weeks time to the State to implement the order passed by the High Court and inspite of that order, the writ court order has not been complied with and considering all these aspects by order dated 20.06.2025 notice has been issued to the O.P. Nos. 1 to 5 under Rule 393 of the Jharkhand High Court Rules, 2001 and thereafter the opposite parties have appeared before this Court on 04.07.2025 and on that day on the undertaking of Principal Secretary, Water Resources Department, Government of Jharkhand that writ court order will be complied and amount will be re-calculated thereafter conditional order has been passed on 04.07.2025 which reads as under:-

" Pursuant to the order dated 20.06.2025, the opposite parties, namely, Mr. Prashant Kumar, Principal Secretary, Water Resources Department, Government of Jharkhand, Ranchi, Md. Jamil Akhtar, Chief Engineer, Water Resources Department, Hazaribagh, Mr. Sanjiv Kumar, Superintendent Engineer, Tenughat Dam Division, Tenughat, Jharkhand and Mr. Ranjit Kujur, Executive Engineer, Tenughat Dam Division, Tenughat, Jharkhand are present in the Court in person.

2. Mr. Prabhat Kumar, learned counsel appearing for the contemnors submits that the supplementary show-cause has been filed, wherein the document has been annexed to suggest that the amount has been paid to the petitioner in terms of the order of the writ Court.

3. Mr. Manoj Tandon, learned counsel appearing for the petitioner submits that the calculation is not made in terms of the order of the High Court. He further submits that the order of the High Court has been confirmed upto the Hon'ble Supreme Court.

4. The stand taken by the Principal Secretary, Water Resources Department, Government of Jharkhand, Ranchi is misconceived one to the effect that increment will not be added in the salary. The increment is the -2- Cont. Case (Civil) No. 164 of 2021 component of the salary. In view of that, opposite parties are required to re-calculate the same and file the supplementary show-cause within four weeks.

5. Mr. Prashant Kumar, Principal Secretary, Water Resources Department, Government of Jharkhand, Ranchi undertakes before this Court that within four weeks, re-calculation will be made and supplementary show-cause shall be filed.

6. In view of his such submission, the appearance of the opposite party nos. 1 to 5 is dispensed with for the time being.

7. In view of the above, I.A. No. 8304 of 2025, filed for exemption, is allowed and disposed of.

8. Let this matter appear after four weeks on the assigned day."

6. In view of above order, it is crystal clear that undertaking has been given by the Principal Secretary, Water Resources Department, Government of Jharkhand that within four weeks re-calculation will be made and supplementary show-cause shall be filed and in view of that the physical appearance of O.P. Nos. 1 to 5 was dispensed with for the time being and the matter was posted to be listed after four weeks on the assigned day.

7. On 22.08.2025 when the matter was taken up on that day it has been pointed out that increment of Rs. 1,00,000/- has been paid to the petitioner and order has been complied with however, it was pointed out by the learned counsel for the petitioner that petitioner has worked as a Typist from 15.11.2000 to 27.12.2020 and if the increment will be added that will be more than Rs. 11,00,000/- and in that view of the matter and considering the period of working as Typist, the Court found that certain mischief has been made and accordingly again notice under Rule 393 of Jharkhand High Court Rules, 2001 has been issued on 22.08.2025. The order dated 22.08.2025 reads as under:-

"Pursuant to order dated 04.07.2025, a supplementary show cause has been filed.

2. It has been argued on behalf of learned counsel appearing for the State that increment has also been provided to the petitioner and now it has raised to Rs.1,00,000/- further.

3. It has been controverted by learned counsel appearing for the petitioner and has been pointed out that the petitioner has worked as a Typist from 15.11.2000 to 27.12.2020. He submits that if the increment will be added that will be more than Rs.11,00,000/- and a meagre amount has been calculated and it is being argued that the increment is added which is not correct.

4. The writ court's order was the subject matter before the Division Bench of this Court in LPA which has been dismissed and against that the State has moved before the Hon'ble Supreme Court and the SLP has also been dismissed and further the State was directed to implement the High Court's order within four weeks meaning thereby the Hon'ble Supreme Court has further stressed to comply the order of the High Court.

5. On 04.07.2025, Mr. Prashant Kumar, Principal Secretary, Water Resources Department, Government of Jharkhand was present personally in the Court's proceeding in light of the order dated 20th June, 2025 and on that day, he has given the undertaking before this Court that within four weeks recalculation will be made and supplementary show cause shall be filed. The nature of the supplementary show cause and the conduct of the said

Secretary clearly suggests that he is bent upon not to comply the order of the Court in its letter and spirit and that order has been affirmed up to the Hon'ble Supreme Court and the Supreme Court has further reiterated to comply the High Court's order within four weeks. This is a clear case of contempt.

6. By order dated 20th June, 2025 notice has been issued under Rule 393 of Jharkhand High Court Rules, 2001 and thereafter the contemnors have appeared before the Court.

7. On 04.07.2025, the appearance have been dispensed with on the undertaking given by Mr. Prashant Kumar, Principal Secretary, Water Resources Department, Government of Jharkhand in spite of that a misconceived show cause has been filed only with a motive that the Court's order will not be complied with and in view of that the Court finds that this is a fit case to frame charge against the contemnors, who are opposite party Nos.1 to 5.

8. Issue notice under Rule 393 of Jharkhand High Court Rules, 2001 upon opposite party Nos.1 to 5. 9. Let this matter appear on 29th August, 2025 for Orders. "

8. In the light of above background, the contemnors are physically present before this Court along with Mr. Prabhat Kumar, learned counsel for the State. When this matter was taken up it has been pointed out that re-calculation has been made and a sum of Rs. 11,87,230/- has already been paid to the petitioner and subsequent payment of Rs. 11,87,000/- clearly suggests that intention of the opposite parties was there to mislead the Court and in view of that false affidavit has been filed of payment of arrear amount to the tune of Rs. 1,00,000/- which has not been accepted by the Court.

9. This is not the only aspect of the matter and even after giving the undertaking the Court's order has not been complied with and this has been done by way of wilful and deliberate violation of the Court's order.

10. In course of the proceeding the contemnors are physically present and tendered apology. The question remains that in the above background, whether apology is fit to be accepted or not.

11. The Courts are very lenient in contempt proceedings, the courts order are complied with any harsh order is not being passed however, conduct of the opposite parties as discussed hereinabove clearly suggests that they are in contempt and that cannot be accepted seeing the subsequent conducts of the contemnors which clearly suggests that there is

continued violation of the order passed by this Court even after giving the undertaking at Bar which has been recorded in order dated 04.07.2025 noted hereinabove.

12. There is no doubt that the Power under the Contempt of Courts Act is required to be exercised with utmost care and caution and sparingly in the larger interest of the society and for proper administration of justice delivery system. At the same time, however, it is not only the power but the duty of the court to uphold and maintain the dignity of courts and majesty of law which may call for such extreme step. If for proper administration of justice and to ensure due compliance with the orders passed by a court, it is required to take strict view under the Act, it should not hesitate in wielding the potent weapon of contempt.

13. In the light of above discussions and considering the various aspects, the Court is satisfied that there has been willful and deliberate violation of this Court order.

14. In exercise of power under Article 215 of Constitution of India the Court has power to exercise quantum and further taking the lenient view in the matter and considering the long career of Mr. Prashant Kumar, Secretary, Water Resources Department and Mr. Md. Jamil Akhtar who is going to retire on 31.08.2025 and today is his last working day in the service, this Court imposes cost of Rs. 25,000/- on each of the contemnors to be deposited before the Registrar General, Jharkhand High Court, Ranchi and on deposit, the said amount will be transferred to the Jharkhand State Legal Services Authority.

15. The contemnors who are present in the court submit that the said amount will be deposited within one week before the Registrar General,

Jharkhand High Court Ranchi.

16. The contemnors are required to appear in the Court in dignified dress as today all the contemnors have appeared before this Court in casual dress which is not the dress to appear before the Court.

17. List this matter on 12.09.2025.

18. It is made clear that if the aforesaid cost is deposited within the aforesaid period, the contemnors are not required to remain physically present before this Court on the next date of listing however it is further made clear that if the aforesaid cost is not deposited within the stipulated period the contemnors shall remain physically present before this Court on 12.09.2025 at 10.30 A.M.

(Sanjay Kumar Dwivedi, J.)

Satyarthi/A.F.R.