

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cont. Case (Civil) No. 765 of 2013

With

Cont. Case (Civil) No. 878 of 2013

With

Cont. Case (Civil) No. 970 of 2013

Janardan Prasad Petitioner in 765/13

Dadan Prasad Singh Petitioner in 878/13

Elecius Lakra and others Petitioners in 970/13

Versus

The State of Jharkhand and others Opp. Parties in all cases

CORAM: HON'BLE MR. JUSTICE D. N. PATEL

For the Petitioners: M/s. Prabhat Kr Sinha, Ritu Kumar

For the Opp. Parties: J.C. to G.P.-IV

09/Dated: 28th January, 2016

Per D.N. Patel, J.

1) Counsels for the respondents-State submitted that the State of Jharkhand has preferred S.L.P. No.16918 of 2015 under Article 136 of the Constitution of India against the order passed in Letters Patent Appeal and the Special Leave has also been granted by the Hon'ble Supreme Court against the order passed in Letters Patent Appeals and, hence, S.L.P. has been converted into Civil Appeal No.13372 of 2015. Thus, there is no willful disobedience of the order passed by this Court in the earlier writ petitions. It is further submitted by the counsel for the respondents-State that every disobedience is not a contempt of Court and there is a need of element of 'willful disobedience'. This element of 'willfulness' is absent in this case looking to the order passed by Hon'ble Supreme Court i.e. grant of Special Leave by the Hon'ble Supreme Court. The decision in this Civil Appeal will govern the fate of all the cases and hence, at this stage, these contempt applications may not be entertained by this Court.

2) Having heard learned counsels for the State and also looking to the fact that Hon'ble Supreme Court has granted Special Leave to prefer appeal and now Civil Appeal No.13372 of 2015 is pending before the Hon'ble Supreme Court against the order passed in Letters Patent Appeals against the order passed by learned Single Judge of this Court.

Hence, there is no willful disobedience by the respondents-State of the order passed by this Court, for non-compliance of which, these contempt applications have been preferred. Every violation of the order is not a contempt. There is bound to be a 'willful disobedience' of the order by the respondents. The element of 'willfulness' is absent in these cases. As the Civil Appeal is pending before the Hon'ble Supreme Court, the decision in the Civil Appeal will govern the fate of all these cases. Hence, at this stage, these contempt applications are hereby dismissed. Liberty is reserved to all these petitioners to move this Court again in case of any difficulty.

Manoj/

(D. N. Patel, J)