

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cont. Case (Civil) No.416 of 2024

Ranjit Bihari Prasad.

... .. **Petitioner**

Versus

The State of Jharkhand & Ors.

... .. **Opposite Parties**

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Pradeep Kumar, Advocate

For the O.P. (s) : Mr. Anil Kumar Singh, AC to GP-I

09/ 20.03.2026

Heard the parties.

2. This is an application to initiate a contempt proceeding against opposite party Nos.2, 3, 4 & 5 on the ground that they have deliberately and willfully violated the order dated 15.01.2024 passed by a Coordinate Bench of this Court in W.P.(S) No.6172 of 2022.

3. Learned counsel representing the opposite party – State takes defense of pendency of the Letters Patent Appeal, which they have filed against the order of the Writ Court, which is the subject matter of this Contempt Application.

4. It is necessary to give the backgrounds of this case, which are follows:-

4.1. In this contempt application, the order which is violated / not complied with, is order dated 15.01.2024 passed in W.P.(S) No.6172 of 2022.

4.2. The learned Writ Court while allowing the aforesaid writ petition, at para-28 of the aforesaid order, concluded as hereunder:-

"28. As a sequitur of the aforesaid rules, regulations, guidelines and judicial pronouncements,

the impugned orders contained in memo nos. 1650, 1651, 1652 and 1653 dated 10.11.2012, as also the order contained in memo nos. 386 dated 12.5.2012 challenged in W.P.(S) No.5307 of 2022 are quashed and set aside. The respondents are directed to fix and pay pension and all pensionary benefits to petitioner Somnath Ojha as per the last pay drawn by him i.e; Rs. 23000 and pay the consequential benefits including differences of salary on account of 6th PRC with effect from 1.1.2006. Similarly, the respondents of W.P.(S) No.6172 of 2022 are directed to fix and pay the pensionary benefits as per last pay drawn by petitioner Ranjit Bihari Prasad i.e. in the grade pay of 4200. Let the entire exercises be completed within a period of eight weeks from the date of receipt of a copy of this order.”

4.3. From the aforesaid order of the Writ Court, it is clear that eight weeks’ time was granted to comply the order. The order / judgment was delivered in the Court; thus, it was within the knowledge of the opposite parties.

4.4. As the order was not complied with, within the period mentioned therein i.e. eight weeks, the petitioner was forced to file the instant Contempt Application being Cont. Case (Civil) No.416 of 2024. This Contempt Application was filed on 07.05.2024 and was registered on 14.05.2024.

4.5. After the defects were removed, this Contempt case was listed on 14.01.2025 before the Bench for consideration. On that date, learned counsel representing the opposite party – State, appeared and requested for four weeks’ time for compliance of the Court’s order. It is necessary to quote order dated 14.01.2025,

which reads as hereunder:-

"05/14.01.2025 *On the request of the learned counsel for the opposite parties, put up this case after four weeks for compliance of the Court's order."*

4.6. The aforesaid order clearly suggests that the opposite parties prayed for time to comply the order.

4.7. The order was not complied. Only thereafter on 25.06.2025 the opposite party – State preferred a Letters Patent Appeal being L.P.A. (Filing) No.6747 of 2025 (The State of Jharkhand & Ors. Vs. Ranjit Bihari Prasad & Anr.). As the said Letters Patent Appeal was defective, it was listed before the *Lawazima* Bench on 30.07.2025, wherein two weeks' time as prayed for, was granted to remove the defects, but in spite of that the defects were not removed. Again on 22.08.2025, one week's further time was granted by the *Lawazima* Bench to remove the defects, but the State failed to do so.

4.8. Having no other alternative, the matter was placed before the Division Bench, on the judicial side, wherein the Division Bench vide order dated 25.09.2025, at the request of State's counsel, granted three weeks' peremptory time to the State for removing the defects. Thereafter the defects were removed and on 13.10.2025, the said Letters Patent Appeal was registered as L.P.A. No.665 of 2025 (The State of Jharkhand & Ors. Vs. Ranjit Bihari Prasad & Anr.).

5. Thereafter, there is nothing on record to suggest that

the State has taken any steps to get the same heard. The State now takes recuse of the aforesaid pending Letters Patent Appeal for non-compliance of the Writ Court's order.

6. The Hon'ble Supreme Court in the case of ***Israr Ahmad Khan Vs. Amarnath Prasad & Ors.*** reported in **2026 SCC OnLine SC 322**, at para-27, 28, 29 and 30, dealt with a Contempt Application vis. a vis. belated / delayed Appeals to delay / defeat implementation of the orders. The Hon'ble Supreme Court has held that the High Court should deal with such unscrupulous litigants, more so when those litigants are State, with iron hands. The Hon'ble Supreme Court has further held that delayed filing of appeals is an exception but in recent times the said exceptions have become the Rule. It has also been observed that when orders passed by the Courts are not complied with for long time and when Contempt Petitions are filed, belated Appeals with tremendous delay are preferred – exactly the case which this Court is dealing with now. Further the Hon'ble Supreme Court has held that these type of conducts of the defaulting party sought to be justified on mere production of a stamp reporting number, showing that the appeal has already been preferred so as to obtain multiple adjournments in the contempt petitions. This is exactly the scenario here, as this contempt petition has been adjourned many a times. It is necessary to quote para-27, 28, 29 and 30 of the aforesaid judgment of the Hon'ble Supreme Court, which reads as hereunder:-

"27. Delayed filing of appeals should be the exception, but in recent times, the exception has practically evolved to become the rule. Orders passed by the

Courts are not complied with for a long time, and when Contempt Petitions are filed, belated appeals, with tremendous delay, are preferred.

28. *The (alleged) continuing contumacious conduct of the defaulting party is sought to be justified on the mere production of a Diary/Filing/Stamp Reporting Number showing that an appeal has been preferred, so as to obtain multiple adjournments in contempt matters.*

29. *We, in no uncertain terms, deprecate these practices. It is felt that by such modus operandi, disobedient litigants act brazenly which has the further effect of bringing down the authority and majesty of the Courts and the rule of law, interfering in the administration of justice. The same may well, in certain situations, border on criminal contempt.*

30. *The High Courts should deal with such unscrupulous litigants, moreso when they happen to be 'State', within the meaning of Article 12 of the Constitution, or like bodies, with an iron hand. Unless the High Courts, so also this Court deal with these aspects firmly, we run the clear risk of erosion of the unflinching faith that the ordinary litigants of this country repose in the Judiciary at all levels. It is the solemn duty of all of us manning the Courts across the hierarchy to ensure that the public faith never wavers."*

7. As noted earlier at para-30 of the aforesaid judgment, the Hon'ble Supreme Court, not only held that that High Court should deal with these types of matters with iron hand but also held that unless the High Court deals with these aspects firmly, there will be risk of erosion of unflinching faith in the ordinary litigants of the Country, reposed in the judiciary at all levels.

8. Considering what has been held by the Hon'ble Supreme Court and the facts of this case, since the aforesaid order

has not yet been complied with, let Notice of Contempt under Rule 393 of the Jharkhand High Court Rules, be issued to the contemnors / opposite party (O.P.) No.2 – Sunil Kumar, Principal Secretary, Department of Road Construction, Government of Jharkhand, O.P. No.3 – Manohar Kumar, the Chief Engineer, Government of Jharkhand, O.P. No.4 – Rakesh Kumar Srivastava, the Superintending Engineer, Department of Road Construction, Government of Jharkhand, Ranchi Circle, and O.P. No.5 – Sri Vinod Kachchap, the Executive Engineer, Road Division, Ranchi at Morabadi, Ranchi, Jharkhand, to give a reply as to why not the contempt proceeding be initiated and charge be framed against them for willfully violating the order dated 15.01.2024 passed in W.P.(S) No.6172 of 2022, in spite of sufficient opportunity given. The contemnors / opposite party Nos.2, 3, 4 & 5 will remain physically present before this Court on the next date.

9. The office will issue notice under Form-1 annexing a copy of the petition along with the Annexures.

10. List this case on 12.06.2026.

11. In the meantime, the salary of contemnors / opposite party Nos.3, 4 & 5, will not be disbursed to them and will be kept on hold, till further orders of this Court. Be it also noted that these contemnors / opposite parties i.e. O.P. Nos.3, 4 & 5, will not withdraw their salary without the leave of this Court.

12. It is also made clear that if the order is not complied with by the next date, the salary of O.P. No.2 – Sunil Kumar, Principal Secretary, Department of Road Construction, Government

of Jharkhand, will also be withheld.

13. Let a copy of this order be communicated to the Accountant General (A & E), Jharkhand, the Chief Secretary, Government of Jharkhand, Secretary, Government of Jharkhand, Finance Secretary, Government of Jharkhand, and the Treasury, Government of Jharkhand, for ensuring strict compliance of this order.

13.1. Let a copy of this order be also communicated to the above-named contemnors / opposite party Nos.2, 3, 4 & 5.

(ANANDA SEN, J.)

*20th March, 2026
Prashant. Cp-2*