

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1438 of 2013

In
Civil Writ Jurisdiction Case No. 1648 of 2010

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Munakiya Devi W/O Late Basant Kumar Satpuri @ Nathuni Sah R/O
Village- Satpura (Near Durgaaasthan), P.O.- Ramna, P.S.- Kazi
Mohammadpur, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar Through Sri Deepak Prasad Commissioner-Cum-Secretary, Department Of Minor Irrigation, Old Secretariat, Patna
2. Sri Dr. Deepak Prasad, Commissioner-Cum-Secretary Department Of Minor Irrigation, Old Secretariat, Patna
3. Sri Dhairya Narayan Jha, Superintending Engineer Minor Irrigation Department, Chhapra Circle, Chapra
4. Sri Rajbansh Rai, Engineer-In-Chief Minor Irrigation Department, Old Secretariat, Patna
5. Sri Ram Gopal Raut S/O Sri Benu Raut The Executive Engineer, Minor Irrigation Division, Combined Building, Muzaffarpur, R/O Village- Jiyaram Raghapur, P.S.- Simrahi, District- Supaul
6. Sri Anup Kumar, The Collector-Cum-District Magistrate Muzaffarpur Collectorate, Muzaffarpur
7. Sri I.D.S. Dhariwal, Accountant General, Birhcand Patel Path, Bihar, Patna
8. Sri Sudhir Kumar Purbey S/O Sri Ramesh Chandra Purbey The Treasury Officer, Muzaffarpur, R/O Mohalla- Laxmipur, P.S.- Rosera, District- Samastipur
9. Saraswati Devi Second W/O Late Basant Kumar Satpuri @ Nathuni Sah R/O Village- Neem Chowk, Satpura (Near Durgasthan), P.O.- Ramna, P.S.- Kazi Mohammadpur, District- Muzaffarpur

.... Respondent/s

Appearance :

For the petitioner	Mr. Siyaram Pandey
For the State	Mr. Md. Anisul Haque
For the Accountant General	Mr. Arun Kumar Arun

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

5 12-08-2015 Heard counsel for the petitioner, the State and the
Accountant General.

Although, the application has been listed under the

heading 'For orders (on office notes)', but the counsel for the parties made submission on the merit of the case with a view to disposal of the matter.

I have heard them on merit.

The application alleges willful/deliberate disregard/disobedience of the order dated 12.04.2012 passed in CWJC No. 1648 of 2010, operative part/portion whereof is extracted herienbelow:-

Let the respondent Accountant General act on the sanction order dated 11.9.08 (Annexure E to the counter affidavit) of the State respondent and issue fresh authority slip in respect of the family pension and gratuity in favour of both the petitioner as well as respondent no.9 in equal share within a period of 06 weeks from the date of receipt/production of a copy of this order. The respondent(s) shall before making payment thereunder shall recover and/ or adjust the excess amount, if any, paid to any of them beyond the share agreed between them as per the award of the Lok Adalat.

It has been submitted on behalf of the petitioner that respondent no.9, before the order could be passed and after the interim order passed in the writ case withdrew certain amount in excess. She is not presenting herself for recovery/adjustment of the amount paid to her in excess.

A show cause on behalf of the Treasury Officer has



been filed stating therein that the amount of pension for the period 30.12.1997 to 31.12.2009 and gratuity amount were paid to respondent no.9 on 11.01.2010. However, on being informed about the interim order passed by this Court in the writ petition through a letter dated 10.02.2011 from the office of the Accountant General, the Treasury Officer vide letter dated 27.04.2011 requested the Branch Manager, Main Branch, SBI, Muzaffarpur to stop payment of family pension in favour of respondent no.9. The same is not being paid to her thereafter.

This Court in the order passed on the writ petition had directed for recovery and/or adjustment of the excess amount paid to respondent no.9. The opposite parties, in view of aforesaid, cannot be said to have deliberately violated the order of this Court.

Counsel for the petitioner has submitted that he will approach the Treasury Officer as well as the Bank for payment of the family pension amount accumulated for payment to respondent no.9 to be paid/disbursed in her favour until the excess amount withdrawn by respondent no.9 is adjusted. The counsel for the State as well as the Accountant General have taken a stand that if any such prayer/request is

made the same shall be considered and acted upon in accordance with law.

The contempt application is disposed of.

(Kishore Kumar Mandal, J)

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