

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1633 of 2011

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Abdul Qayum Ansari, son of Late Musaffir Mian@ Bhikhari Mian, resident of Mohalla- Gudari Bazar (Sonarpatti), P.O. Chapra, P.S. Bhagwan Bazar, District- Saran, retired Daftari, Nagar Parishad, Chapra

.... Petitioner

Versus

1. The State of Bihar through Sri Girish Shankar, Principal Secretary, Urban Development Department, Govt. of Bihar, Patna
2. Nagar Parishad, Chapra, through its Executive Officer, Sri Santosh Shankar, at & P.O. & P.S. Chapra, District- Saran
3. Smt. Shobha Devi, the Chairman, Nagar Parishad, Chapra, At & P.O. & P.S. Chapra, District- Saran
4. Sri Santosh Shankar , the Executive Officer, Nagar Parishad, Chapra, At & PO & P.S. Chapra, District- Saran

.... Opp.Parties.

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

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17 18-02-2015 Heard Sri Mahesh Narayan Parbat, learned counsel for the petitioner and Sri Rakesh Kumar Tiwary, learned counsel, who has appeared on behalf of Opp.Parties/Nagar Parishad, Chapra.

The present petition has been filed with a prayer to initiate contempt proceeding against Opp.Parties on an allegation of wilful disobedience to an order dated 02.12.2010 passed in C.W.J.C.No.19522 of 2010. In the said writ petition, the petitioner had prayed for making payment of post retiral dues, such as arrears of salary, gratuity, G.P.F. and salary for the period of strike. The writ petition was disposed of granting liberty to the petitioner to file a detailed representation and, thereafter, the

Executive Officer, Nagar Parishad, Chapra was directed to examine the same and pass appropriate order on the representation by assigning a detailed reason. It was further indicated that if the Executive Officer considers the claim of the petitioner as genuine, he was required to pass appropriate order in respect of clearance of the dues of the petitioner.

In this case, number of show causes have been filed. In the 5th show cause filed on behalf of Opp.Party nos. 2 to 4, it has been indicated that in compliance with the order of the writ court, admissible dues were paid and also a reasoned order was passed and the same has been communicated to the petitioner.

Sri Mahesh Narayan Parbat, learned counsel for the petitioner submits that retiral dues of the petitioner has not been paid in accordance with law and he has placed reliance on an order passed by this Court in C.W.J.C.No.16330 of 2012 and other connected writ petitions.

Be that as it may, since writ petition was disposed of granting liberty to the petitioner to file a representation and direction was to pass appropriate order and since the order has already been passed, in contempt jurisdiction, this Court may not travel beyond the order of the writ court. If the petitioner feels aggrieved with the order i.e. Annexure-16 to the 5th show cause,

the petitioner may avail appropriate remedy.

With above observation and liberty, the petition stands disposed of.

(Rakesh Kumar, J)

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