

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4519 of 2013

In

Civil Writ Jurisdiction Case No. 15360 of 2012

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RABINDRA PRASAD SINGH Son of Late Raja Singh R/o Mohalla -
Apna Market Gonawa Road, Harnaut, P.S. Harnaut, District Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Sri Dharmdeo Chaudhary, the Engineer in Chief, Bhawan Nirman
Department, Government of Bihar, Patna
3. The Superintending Engineer, Bhawan Anchal, Purnea
4. The Executive Engineer, Bhawan Nirman Department, Nalanda
5. The Assistant Engineer, Bhawan Nirman Department, Government of
Bihar
6. The B.D.O. Sarmera Block District Nalanda
7. Sri Sanjay Kumar, the Accountant General (A & C), Bihar, Patna

.... Opp. Parties

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Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh, Adv.

For the Respondent/s : Mr. Ashok Kumar Keshri, AAG-11

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 16-01-2015

Heard learned counsel for the parties.

Having regard to the very limited nature of direction
given by this Court in the order dated 18.2.2013 in CWJC No.
15360 of 2012 to take a decision for payment of salary for the
period of his absence and the stand of the opposite parties in their
show-cause that on 10.6.2014 that the period of absence of the
petitioner has been regularized by way of grant of extraordinary
leave without any benefit of payment of salary in absence of acted
proof his working in the concerned period this Court cannot hold

the opposite parties in contempt.

The grievance of the petitioner as highlighted by his counsel that such order is contrary to the materials on record and that the petitioner ought to have been held entitled for payment of salary for the period, in question, cannot be gone into in this contempt petition specially when there was no such findings recorded by this court while disposing of his connected writ application.

Learned counsel of the petitioner has then submitted that the amount of provident fund with statutory interest has also not been paid in full, inasmuch as, a sum of Rs. 1,35,000/- only has been paid.

As with regard to the aforesaid submission it has been noted that this Court had also not quantified any specific amount on the head of provident fund with its statutory interest and, therefore, on this score also the opposite parties cannot be hauled up for committing contempt. It, however, goes without saying that if the petitioner has not been paid any amount of provident fund which according to him was admissible and payable on account of sanction already made by the District Provident Fund Officer, such amount must be paid to him. In this regard, it has to be however noted that the learned counsel for the State has submitted

that the petitioner was entitled for a sum of rs. 1,45,830/- on the head of provident fund and that amount has already been paid. Thus, if the petitioner does not have any order of the District Provident Fund Officer for payment of any further amount of provident fund beyond the aforesaid amount of Rs. 1,45,830/-, the remedy for him again will not be by way of pursuing this contempt application but only by way of initiating a fresh proceeding as may be permissible in law.

With the aforementioned observation, this application is disposed of.

(Mihir Kumar Jha, J)

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