

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3598 of 2014

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Ram Krishna Sinha son of late Ram Bilas Singh, resident of village – Sripalpur, P.S. Poonpoo, Dist. Patna at present living at C/o Sri Satish Singh, Road No. 13B, Rajendra Nagar, P.S. Kadamkuan, Dist-Patna, State-Bihar.

.... Petitioner

Versus

1. The State of Bihar
2. Sri Anjani Kumar Singh, Chief Secretary, Govt. of Bihar Patna.
3. Sri Arun Kumar Singh, the then Principal Secretary, Sri Pratyay Amrit, Principal Secretary, Road Construction Department, Govt. of Bihar, Patna.
4. Sri K.P. Pandey & Sri Shyam Bihari Rai, Joint Secretary, Road construction Department, Govt of Bihar, Patna.
5. Sri Lakshmi Narain Das, Engineer-in-chief, road construction Department, Govt of Bihar, Patna.
6. Sri Surendra Kumar and Sri Ram Autar Azad, under Secretary to Govt., Road Construction Department, Govt. of Bihar, Patna.
7. Sri Rakesh Mohan, Deputy Secretary, Road Construction Department, Govt. of Bihar, Patna.
8. Sri Sudhir kumar Dubey and Sri Hira Lal Singh, under Secretary, Personal Claim Cell, Department of Finance, Govt. of Bihar, Patna.
9. Sri Ram Balak Kumar District Provident Fund Officer, Laheria Sarai, Darbhanga.
10. Sri Madan Mohan Prasad, the joint Commissioner (Accounts Administration, Director of GPF), Finance Department, Govt. of Bihar, Pant Bhawan, Patna.
11. Sri Arun Kumar Mishra, the Director, Directorate of General Provident Fund, Finance Department, Govt. of Bihar, Pant Bhawan, Patna.

.... Contemnors/Respondents/Opp.parties

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Appearance :

For the Petitioner/s : Mr. Deoshwar Prasad Singh
For the Opp. Parties : Ms. Nivedita Nirvikar,

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL

ORAL ORDER

4 19-08-2015

Heard Mr. Deoshwar Prasad Singh for the petitioner and Ms. Nivedita Nirvikar, the Govt. counsel for the opposite parties.

The application alleges wilful /deliberate disregard/

disobedience of the order dated 07.05.2014 passed in CWJC No. 2225 of 2013.

The writ application was filed with dual grievance. One related to deficient /non payment of Group Insurance amount and another with respect to the non/ deficient payment of the amount under the head 'GPF'. This court disposed of the writ application permitting the petitioner to raise grievance in this regard before the appropriate authority of the Government who were directed to examine the said grievance of the petitioner and to redress the same. The respondents were also directed to provide the calculation chart of the amount paid under the head 'GPF'.

By filing the present contempt application, the petitioner raises a grievance with respect to the deficient payment of the GPF amount as also non payment of the statutory interest for delayed payment of Group Insurance amount.

A show cause has been filed on behalf of the opposite party no.9 wherefrom it appears that a total sum of Rs. 21 lakhs and odd under diverse authority slips were issued in favour of the petitioner. After disposal of the writ petition some amount was sanctioned. Counsel for the petitioner referring to the calculation chart provided by the opposite parties annexed with the show



cause states that the said chart discloses non deposit of any subscription amount by the petitioner for the months of 04/91, 05/91, 06/91 and 07/91. Relying on Annexure 3A to the rejoinder which is the certificate of deduction issued by the under Secretary in the Department of Road construction it has been pointed out that actually a sum of Rs. 1,000/- was deducted from the salary of the petitioner for the months of February, 1991, April 1991, May 1991 and June 1991. Inaccuracy of the chart has, therefore, sought to be displayed by the petitioner. It has also been submitted that no decision has been taken with regard to the interest payable to the petitioner on delayed payment of Group Insurance amount for which this Court granted liberty to make a representation .

Counsel for the opposite parties has handed in a copy of the reasoned order passed on 08.07.2015 by the Principal Secretary , copy whereof, has been sent to the petitioner also to contend that the representation of the petitioner for delayed payment of the interest on Group Insurance amount has been considered and rejected for the reasons set out therein.

The stand of the opposite party in the show cause and diverse Annexures appended thereto is that admitted amount under the head 'GPF' has been sanctioned on different occasions in favour of the petitioner which has not been disputed by the



petitioner. On the contrary, it has been urged that there is apparent inaccuracy in the calculation chart which denies the petitioner some more amounts under the head 'GPF'. The petitioner has also tried to question the correctness of the reasoned order which has been passed by the Principal Secretary refusing grant of interest on delayed payment of Group Insurance amount. In my view, in contempt jurisdiction, the court would not delve into those aspects of the matter. The court has to confine its consideration to judge as to whether the opposite parties have acted deliberately in defiance of the order or acted in aid of the order. From the averments made in the show cause, it appears that on different occasions considering the papers furnished to the Department sanction of the remaining dues under the head 'GPF' were granted in favour of the petitioner. The reasoned order has already been passed by the Principal Secretary denying the interest payable to the petitioner on the Group Insurance Amount.

Regard being had to the order this court passed on the writ petition and the facts stated in the show cause as also the submissions made in support thereof, this court is satisfied that the opposite parties have not acted in wilful/deliberate disregard/disobedience of the order. If the petitioner has not been sanctioned certain amount and/or if there is any inaccuracy in

the calculation chart it will be open to the petitioner to raise a grievance in this regard before the appropriate/competent authority by filing appropriate representation for consideration and disposal in accordance with law.

The contempt application is dismissed.

(Kishore Kumar Mandal, J)

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