

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 1358 of 2014

In

Civil Writ Jurisdiction Case No. 6358 of 1998

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Parmeshwar Bhagat Son of Late Amrit Bhagat, Ex-Assistant Manager,
Bihar State Financial Corporation, Motihari Branch, Motihari District - East
Champanan At Present C/O Sri Satish Chandra, Indra Nagar, P.S.-
Purandarpur, Patna-1, District - Patna.

.... Petitioner

Versus

1. The Bihar State Financial Corporation Corporation, Fraser Road, P.S.-
Kotwali, Town and District - Patna, through its Managing Director Sri
Pradeep Kumar.
2. The Board of Directors, through Sri Pradeep Kumar
3. Sri Pradeep Kumar, I.A.S. S/O Not Known, the Managing Director,
4. Sri R.P. Singh S/O Not Known, the Conducting officer,
5. Sri N.Prakash S/O Not Known, the Deputy Manager (P&A),
6. Sri P.K. Jha S/O Not Known, the Presenting officer,
Respondent No. 2 to 6, All of Bihar State Financial Corporation, Fraser
Road, P.S.-Kotwali Town and District - Patna.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Anjana Bhagat
For the Opp. Parties : Mr. Parth Sarthi

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6. 07-10-2015 Heard Sri Anjana Bhagat, learned counsel for the
petitioner and Sri Parth Sarthi, learned counsel, who has appeared
on behalf of opposite party/Bihar State Financial Corporation.

The present petition has been filed with a prayer to
initiate contempt proceeding against opposite parties on an
allegation of wilful disobedience to the judgment dated
11-09-2013 passed by this Court in C.W.J.C. No. 6358 of 1998.
This Court had allowed the writ petition and quashed **Annexures**

‘1’, ‘6’ & ‘10’ to the writ petition. While setting aside aforesaid annexures, this Court had also directed that the petitioner shall be entitled for all consequential benefits.

The petitioner was earlier dismissed from the service. Alongwith petitioner, one Branch Manager was also dismissed from the service. However, earlier the Branch Manger had assailed the dismissal order, which was set aside by this Court and in respect of Branch Manager, the order was fully complied with by the Corporation. However, in respect of petitioner, despite the fact that writ petition was allowed and his dismissal order was set aside with all consequential benefits, the opposite parties had initially not complied the order, with a plea that the opposite parties had preferred an L.P.A. against the order of the writ court. However, during the pendency of the present proceeding, the L.P.A. stood dismissed.

In this case, two show causes have been filed on behalf of opposite party i.e. Managing Director, Bihar State Financial Corporation.

Sri Parth Sarthi, learned counsel for opposite party/B.S.F.C. submits that the order of the writ court, after dismissal of the L.P.A., has already been complied with in its letter & spirit and all the reliefs have already been granted.



Learned counsel for the petitioner submits that ofcourse, order of the writ court has already been complied with, but fact remains that during the pendency of the writ petition, the petitioner attained the age of retirement. Subsequently, the opposite parties have paid all the dues amount, but without any interest. He submits that it is general law that if at belated stage, any payment is made, the said amount is to be paid alongwith interest. Learned counsel for the petitioner has also placed reliance on a judgment of a Single Bench of this Court, reported in **1996(2) P.L.J.R. 348 (Mostt. Rukmini Devi –vs.- The State of Bihar & Ors.)**. He submits that this Court in case of retiral dues had directed for payment of the dues alongwith heavy interest and cost. On aforesaid ground, he submits that since the order of the writ court has not been complied with in its letter and spirit, the opposite party is required to be proceeded and punished.

In the writ petition, filed by the petitioner, which was allowed by this Court on 11-09-2013, this Court had not issued any specific direction for payment of the interest. While examining the contempt proceeding, the Court is of the opinion that no order can be passed beyond the direction issued in the writ petition. Since in the writ petition, no such direction was given, at the stage of hearing of contempt petition, same may not be

examined.

In view of the fact that the order of the writ court has already been complied with, the petition stands dismissed.

(Rakesh Kumar, J.)

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