

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.6336 of 2012

Dr. Rajesh Verma S/o Dr. Yogendra Prasad House No.- 194, Patliputra Colony,
P.S.- Patliputra, Town & District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Sri Vyas Jee, Principal Secretary, Health & Family Welfare Department,
Government Of Bihar, Patna
3. Sri Anirudh Prasad Singh, Director, Provident Fund, Pant Bhawan, Bailey
Road, Patna
4. Sri I.D.S. Dhariwal, Accountant General (A & E), Bihar, Birchand Patel Path,
Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Vivek Prasad, Adv.
For the State : Mr. Ravindra Kumar, A.C. to AGG-10
For the A.G. Bihar (O.P.4) : Mr. Satyendra Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 18-02-2015

The present contempt application has been filed for non-compliance of the order dated 24.02.2012 passed in C.W.J.C. No. 3647 of 2012 whereby the writ petition of the petitioner was disposed of with direction to the respondent no.2, Health Commissioner-cum-Secretary, Department of Health, Medical Education & Family Welfare, Government of Bihar, Patna to take up the application of the petitioner for voluntary retirement and pass appropriate orders on the same in accordance with law acknowledging his superannuation and for his consequential benefits as soon as possible and in any case not

later than two months from the date of receipt/production of a copy of this order.

Learned A.C. to AAG-10 submits that in compliance of the order dated 24.02.2012 passed in C.W.J.C. No.3647 of 2012 representation of the petitioner regarding his voluntary retirement was considered vide Notification No. 1323(2) dated 18.11.2013, which would appear from Annexure-R/3 to the show cause filed on behalf of opposite party no.2, Principal Secretary, Health and Family Welfare Department, Government of Bihar, Patna but later on, at the time of calculation of pension, the facts came in the knowledge that the service period of the petitioner was only 10 years 10 months, which is not sufficient period for voluntary retirement, at least 20 years of service is required for the same. Accordingly, the earlier notification no. 1323 (2) dated 18.11.2013 has been cancelled and departmental proceeding has been initiated against the petitioner vide Memo No. 1066(2) on 13.10.2014, which would appear from Annexure-A to the supplementary show cause filed on behalf of opposite party no.2. As such, the order under contempt has already been complied.

Learned counsel appearing on behalf of the petitioner submits that period of service of the petitioner has not rightly been calculated, while the petitioner has completed 30 years of service.

In view of the above submission, since the order has

been complied by the opposite party no.2, no further action is required to be taken. Accordingly, the contempt application is disposed of.

However, if petitioner feels aggrieved, he would be at liberty to take recourse in accordance with law.

(Rajendra Kumar Mishra, J.)

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