

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4215 of 2012

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Bindeshwar Mehtar, son of late Dhodhay Mehtar, resident of Village – Jai
Prakash Nagar, Ward No. 7, P.S. Araria, District- Araria

.... Petitioner

Versus

- 1.The Bhupendra Narayan Mandl University, through Mr. Arun Kumar, the
Vice-Chancellor, Laloo Nagar, District- Madhepura
- 2.Mr. Ganesh Prasad Yadav, the Registrar, Bhupendra Narayan Mandl
University, , Laloo Nagar, District- Madhepura
3. The Lalit Narayan Mishra University, through its Registrar, Dilip Kumar
Singh, Distt. Darbhanga
- 4.Dr. Md. Kamal, the Principal, Araria College, Araria, Distt. Araria
- 5.Laddu Mehtar, son of Late Dhoray Mandal, resident of Village- Om
Nagar, Ward No. 08, P.S. & District- Araria
- 6.The State of Bihar

.... Opp.Parties

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the University : Mr. Din Bandhu Mishra

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

6 29-07-2015 Heard learned counsel for the petitioner and

learned counsel for the opposite party-B.N.Mandal University.

The contempt application has been filed for non-compliance of the direction contained in the order dated 4.1.2012 passed in MJC No. 1352 of 2010. The said contempt application arose on account of non-compliance of an order passed in a writ petition with regard to the payment of the retiral dues of an employee of the University, namely, Hari Mehtar. This Court by the order under contempt while disposing of the matter observed that the opposite parties of the University shall take prompt action with respect to the payment of the share of GIC for the

period the petitioner was under the L.N.Mithila University.

In the meantime, the employee Hari Mehtar died and the petitioner claiming to be an adopted son of Hari Mehtar has laid claim to the said GIC amount. At the same time, another brother of the petitioner, namely, Laddu Mehtar, opposite party no. 5 is also claiming the said benefit on the same ground. The amount involved is Rs. 2,278/-.

The stand of the University is that it is ready to pay the same to the rightful claimant but it is unable to decide the said issue.

In my view, if any such issue arises, it is for the authority which has to make the payment that must decide the said matter at the first instance and only thereafter if any party feels aggrieved, it will be open to him to approach for the said purpose the appropriate court of law. For such purpose neither the writ jurisdiction nor the contempt jurisdiction of this Court may be of any avail to the party concerned when disputed issues of facts get involved.

The contempt application is, accordingly, disposed of with the direction to the opposite parties of the University to decide on the basis of evidence to be submitted by the petitioner and opposite party no. 5 as to who is the rightful

claimant of the amount and make payment of the same to the said person, subject to the right of the aggrieved party to approach the appropriate forum.

Let the said decision be taken after giving an opportunity of hearing to the petitioner and opposite party no. 5 within a period of three months from the date of receipt/production of a copy of this order.

(Ramesh Kumar Datta, J)

S.Pandey/-

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