

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4942 of 2013

In

Civil Writ Jurisdiction Case No. 10526 of 2006

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Ram Kalo Devi Wife Of Sri Sudama Rai Resident Of Village And P.O.
Balbandh, Police Station- Charpokhari, District- Bhojpur

.... Petitioner/s

Versus

1. The State Of Bihar Through Mr. Abhyanand, The Director General Of Police, Bihar, Patna
2. Mr. Suresh Choudhary, The Superintendent Of Police, District Vaishali At Hajipur
3. Sri Sudama Rai, Resident Of Village Kharauna, P.O. Korath, Thana (P.S.) Tarai, District- Bhojpur At Ara, At Present Posted At Hajipur On The Post Of Assistant Sub-Inspector, Sadar, P.S. Hajipur At Present Posted As S.I. Withn The District Of Lakhisarai

.... Respondents/Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Ojha, Adv.

For the Respondent/s : Mr. Yogendra Pd. Sinha, AAG-15

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 20-01-2015

Heard learned counsel for the parties.

The grievance of the petitioner in this contempt application is that the order of this Court dated 23.3.2012 has not been complied by the Superintendent of Police, Munger in letter and spirit, inasmuch as, such deduction of sum of Rs. 4000/- per month from the salary of the opposite party no.3 had to be made at least from the date of the order i.e. 23.3.2012 but, the Superintendent of Police, Munger has passed an order after one and half year on 28.10.2013 giving prospective effect to the recovery of Rs. 4000/- per month from the salary of the opposite

party no.3.

Let it be noted that this contempt application was filed on 18.9.2013 and the Superintendent of Police has woke up from his slumber only after receipt of the notice of the filing of this contempt application. The direction of this Court in the order dated 23.3.2012 was very specific and had read as follows:-

"Pursuant to an earlier order of this Court an affidavit has been filed by respondent no.3 stating therein as follows:

"That in discharge of his obligation as husband the respondent no.3 undertakes to pay Rs. 4,000/- (four thousand) per month to the petitioner as her maintenance."

That being so, the Superintendent of Police, Munger, the controlling Officer of respondent no.3 holding the post of Sub-Inspector of Police, Munger Mufassil P.S., is hereby directed to deduct a sum of Rs. 4,000/- per month from the salary payable to respondent no.3 and pay the same by a cheque in the name of the petitioner. This arrangement shall continue till respondent no. 3 continues in service. If the respondent no.3 would be transferred from administrative control of the Superintendent of Police, Munger, such an entry shall be made in the Last Pay Certificate (L.P.C.) of respondent no.3 so that this amount becomes payable to the petitioner from any place where respondent no.3 would draw his salary."

This Court fails to understand as to how the Superintendent of Police, Munger in the order dated 28.10.2013 could have made it prospective only from the date of the order

when such direction was issued for payment of a sum of Rs. 4000/- per month by recovering from the salary of the opposite party no.3 from the date of the order i.e. 23.3.2012.

In that view of the matter, while this Court must hold the Superintendent of Police to have overreached the order of this Court, the fact that the Superintendent of Police, Munger has passed an order on the basis of which the petitioner is getting a sum of Rs. 4000/- per month from 28.10.2013 will mitigate the allegation of contempt to certain extent.

That being so, this Court for the time being is not inclined to draw any proceeding of contempt against the Superintendents of Police, Munger but, then, it would again direct the Superintendent of Police, Munger to take all necessary steps for recovery of the balance amount payable to the petitioner by way of recovery from the salary/retirement benefit of the opposite party no.3 and ensure that the amount, which became payable to the petitioner for the period 23.3.2012 to 27.10.2013, is paid to her within a period of three months from the date of this order.

The Superintendent of Police, Munger, having complied the aforesaid order, shall submit a report to the Registry of this Court.

With the aforementioned observation and direction,

this application is disposed of.

(Mihir Kumar Jha, J)

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