

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2259 of 2012

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Madho Prasad Singh, S/o Late Rajnath Singh, resident of Village- Kosut,
Post- Kosut, Police Station- Dhanarua, District- Patna.

.... Petitioner/s

Versus

1. Union of India, through the Secretary, Raj Kumar Singh, Department of Home Affairs, Government of India.
2. H.C. Bhanot, the Under Secretary, Ministry of Home Affairs, (FFR Division -CZ Section), Lok Nayak Bhawan, Khan Market, New Delhi.
3. The State of Bihar through the Secretary, Amir Subhani, Home Department, Government of Bihar, Patna.
4. Kamal Narayan Singh, the Deputy Secretary, Home (Special) Department, Government of Bihar, Patna.
5. The Branch Manager, Punjab National Bank, Main Branch, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Singh
Mr. Vivek Kumar Singh
For the Opp. Party- UOI : Mr. Awadhesh Kumar Pandey, SCGC
Mr. Ravinder Kumar Sharma, CGC
For the Opp. Party- State : AC to GA-1 (Mr. Shyam Kishore Sharma)
For the Opp. Party-PNB : Mr. Sudhir Kumar Raj

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

15 12-08-2015 Heard Mr. Surendra Singh, learned counsel appearing on behalf of the petitioner, learned counsel for the State, learned counsel for the Union of India and learned counsel for the Punjab National Bank who had been arraigned as opposite party in the present proceeding although the Bank was not a party in the writ petition.

This contempt application was filed complaining of non-compliance of the judgment and order of this Court dated 19.10.2011 passed in CWJC 6488 of 2010. The judgment of the Writ Court has been affirmed by the Division Bench in L.P.A.

No.600 of 2012 preferred by the Union of India as also by the Supreme Court when the Special Leave Petition of the Union of India was dismissed.

Since the judgment of this Court was under consideration before the Division Bench and thereafter before the Supreme Court that the present proceedings were kept in abeyance and it is after disposal of the Special Leave Petition that the matter was taken up and when the Union of India was reminded of their obligation to comply with the judgment and order of this Court. It has though taken some time for the Union of India to implement the judgment and order of the Writ Court but as of today as it is admitted by Mr. Surendra Singh, learned counsel appearing for the petitioner that the payment of freedom fighter pension has been commenced and even the arrear amount has been paid but not to the satisfaction of the petitioner. According to the petitioner, he is entitled to some further amount towards the arrears and even the contribution amount payable by the State Government has not been paid.

According to Mr. Singh, though the petitioner was entitled to payment of arrears amount with effect from June, 2002 but the Union of India has made payment of arrears amount calculated with effect from 13th January, 2005. There is

thus a dispute as to the arrears admissible to the petitioner. Apart therefrom there is also a dispute regarding some contribution towards the freedom fighters pension which, according to the petitioner, is payable by the State Government.

Since these are issues which were not a subject matter of the writ petition which was preferred against stoppage of pension and was allowed with a direction to the respondent-opposite parties to make payment thereof together with arrears and since admittedly as per the estimation of the opposite parties the payments have been made, in my opinion, no case for contempt is made out nor there is any necessity to keep the present proceeding pending. The contempt application is accordingly disposed of with a liberty to the petitioner to raise his claim before the appropriate authority of the Union/State Government as the case may be, for redressal of the grievance subsisting and any such claim so being raised by the petitioner would be considered and disposed of by the authority concerned in accordance with law.

The contempt application is disposed of accordingly.

(Jyoti Saran, J)

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