

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1283 of 2013

IN

Civil Writ Jurisdiction Case No. 16809 of 2012

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Binayak Choudhary S/O Late Gobind Choudhary R/O Mohalla - Maurya Nagar,
Salehpur, Police Station - Habipur, District - Bhagalpur

.... Petitioner/s

Versus

1. Tilka Manjhji Bhagalpur University, Bhagalpur Through Its Registrar Namely Vijai Kumar Singh
2. Mr. Dr. Bimal Kumar, The Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur
3. Mr. Vijai Kumar Singh, Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur
4. Mr. Mani Nath Choudhary, The Principal, National Evening College, Bhagalpur
5. The State Of Bihar Through The Principal Secretary, Human Resources Development Department, Government Of Bihar, New Secretariat Building, Bailey Rad, Patna - 1 , namely, Mr. Amarjeet Sinha

.... Opp.Parties

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Appearance :

For the Petitioner/s	: Mr.Sanjay Kr. Verma, Advocate
For the University	: Mr. Gautam Kejariwal, Advocate
For the State	: Mr. Arun Kr. Bhagat, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL JUDGMENT

Date: 01-09-2016

Heard learned counsel for the petitioner and learned
counsels for the University and for the State.

The petitioner claims violation of the order dated
21.9.2012 passed by this Court in CWJC No. 16809 of 2012.

By the said order this Court had directed the
University to pay all the post retiral dues of the petitioner within four
months. When the same was not paid within the time period, the
contempt application was filed.



In the show cause filed on behalf of the University, it is stated that apart from other amounts which had already been paid, the PF amount could not be paid in time due to the transfer of the petitioner's PF account to the SBI Personal Branch regarding which the college also remained in the dark and finally after verification the entire PF amount has been paid.

Learned counsel for the petitioner while accepting the position has raised an issue about payment of Rs. 720/- which was considered in the earlier affidavit of the opposite parties wherein reference of Rs. 720/- has been made that the said amount had already been paid even before the date of retirement of the petitioner.

Learned counsel for the petitioner is unable to show whether the same amount is actually due or not. Merely on the basis of such statement the petitioner cannot make any claim.

Another issue raised by learned counsel for the petitioner is regarding the non-resumption of the pension of the petitioner.

The order under contempt was complied by grant of pension but after that certain dispute has arisen that the petitioner did not present himself before the University for the purpose of life certificate and therefore the pension has been stopped. The same cannot be an issue in this contempt application.

In the aforesaid circumstances, the order under contempt has been complied with. The contempt application is, accordingly, dismissed.

In case there is any accounting error pointed out by the petitioner to the authorities of the University then the authorities of the University shall look into the same.

(Ramesh Kumar Datta, J)

S.Pandey/-

AFR/NAFR	
CAV DATE	
Uploading Date	23.9.2016
Transmission Date	