

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3624 of 2014

In
Civil Writ Jurisdiction Case No. 1597 of 2014

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1. Upendra Lal Karn, Son of Late Pancheshwar Lal Das, Resident of 308, Urvashi Apartment, New C.G. Nagar, P.S. - Patrakar Nagar, Kankarbagh, District - Patna

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Manish Kumar, Patna
2. The Bihar State Financial Corporation, Fraser Road, Patna through its Chairman, Naveen Verma
3. Sri Pradip Kumar, Son of not known to the petitioner, Managing Director, Bihar State Financial Corporation, Fraser Road, Patna
4. Sri Nirad Prakash, Son of name not known to the petitioner, Deputy Manager (P&A), Bihar State Financial Corporation, Fraser Road, Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Manik Vedasan, Advocate
Mr. Subhash Chandra Bose, Advocate

For the BSFC : Sri Y.V. Giri, Sr. Advocate
Mr. Nikhil Kumar Agrawal, Advocate

For the Respondents : Mr. Vinay Krishna Tripathy, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 20-07-2016 This application has been filed for initiation of contempt proceeding against the opposite parties for willful and deliberate disobedience of this Court's order dated 04.04.2014 passed in C.W.J.C. No. 1597 of 2014, operative portion of which reads as follows:-

“In such circumstance, I direct the Respondent No. 2 to pay to the petitioner the entire salary and other allowances with all consequential benefits for the period 01.08.2007 to 31.07.2009 excluding the amount which he received while working on contract basis as disclosed by him i.e. Rs.1,45,032/- which is not in dispute, as is found admissible

to him within three months from the date of receipt/production of a copy of this order. In peculiar facts and circumstances of the case, I do not consider it appropriate to allow any interest.”

It transpires from the pleadings on record that the petitioner has been paid salary for the period, in question, including the amount which would have been otherwise deposited in his provident fund account. The gratuity amount has also been paid.

Grievance of the petitioner now is that by virtue of the said order dated 04.04.2014, the salary and allowances with all consequential benefits for the period 01.08.2007 to 31.07.2009 were required to be paid within three months from the date of receipt/production of a copy of the Court's order. It is his contention that since there has been delay, which appears to be deliberate on the part of the opposite parties, they should be directed to pay interest on salary and gratuity amount. It is also his case that the petitioner is entitled for interest on provident fund amount. It has further been contended that the petitioner is entitled for more amount than what has been paid.

Learned counsel appearing on behalf of the opposite parties, on the other hand, has submitted that an Appeal under Letters Patent of the High Court was preferred against the order of

this Court dated 04.04.2014, violation of which is being complained in the present proceeding. The said Appeal was dismissed by an order dated 08.04.2016 passed in L.P.A. No. 201 of 2015 after condoning the delay in preferring Letters Patent Appeal.

He has submitted that so far as conveyance allowance is concerned, as claimed by the petitioner, same is payable for facilitating conveyance of an employee from his place of residence to his office and since the petitioner did not work for the period, in question, there is no question of payment of conveyance allowance. As regards, interest on the part of salary which was required in the provident fund amount, he submits that the said amount did not earn any interest since it was not deposited in the provident fund account of the petitioner.

So far as claim of the petitioner for grant of interest on provident fund and gratuity is concerned, there being no direction in the order dated 04.04.2014, no deliberate breach can be said to be made for non-payment of the same. There is no specific direction for payment of conveyance allowance in the said order.

Considering the facts as noted above, since the order of this Court has been substantially complied with coupled with

the subsequent conduct of the opposite parties, I am not inclined to proceed with the present contempt proceeding against them.

So far as claim of the petitioner for interest on provident fund and gratuity amount as well as his claim for conveyance allowance, it goes without saying that the petitioner shall have liberty to raise his grievance in this regard, in a separate proceeding in accordance with law.

This application stands disposed of, with the observation above.

(Chakradhari Sharan Singh, J.)

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