

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.204 of 2015
Arising out of
Civil Review No. 176 of 2014

=====

Kamal Deo Thakur, a senior citizen aged about 76 years, Son of Late Braj Bhushan Thakur, Mohalla Belbagh at Bettiah, P.S.-Bettiah Muffassil, District- West Champaran.

.... Appellant/s

Versus

1. Dr. Rajdeo Singh, Vice Chancellor, University of Bihar (now known as B.R.A. Bihar University), Muzaffarpur.
2. Dr. Vibhas Chandra Yadav, Registrar, University of Bihar (now known as B.R.A. Bihar University), Muzaffarpur; and
3. State of Bihar through Secretary, Higher Education, Bihar, Patna.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Bimlesh Kumar Pandey, Advocate.

For the Respondent/s : Mr. Mrigank Mauli, Advocate

Mr. Sanket, Advocate.

Mr. Price Kumar Mishra, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 26-04-2016

Heard learned counsel for the parties.

2. The present Letters Patent Appeal is directed against an order dated 13.11.2014 passed in Civil Review No. 176 of 2014, whereby the learned single Bench did not find any reason to review the order dated 30.04.2014. Order dated 13.11.2014 reads as follows:

“After having heard the parties, this Court does not find any good ground to review the order dated 30.04.2014 passed in M.J.C. No. 2625 of 2010.

The petition is, accordingly, dismissed.”

3. Though no appeal has been filed against the order dated 30.04.2014, but the learned counsel for the appellant pointed out

that the said order suffers from error apparent on record. We find that the learned single Bench in the order dated 30.04.2014 found that the order passed by the Court stands complied with.

4. The services of the appellant were terminated on 13.09.1985. He filed a writ application, which was allowed on 10.03.2000 granting 25% of the salary of the intervening period. In Civil Appeal No. 2584 of 2001, preferred by the University, the Supreme Court set aside the termination order, but held that the appellant would be entitled to compensation of Rs. 50,000/- in lieu of arrears of 25% of his salary. Admittedly, the amount of Rs. 50,000/- stands paid though after delay. It has also come on record that the appellant is being paid monthly pension since September, 2005.

5. Earlier, the appellant filed contempt petition before the Hon'ble Supreme Court, which was disposed of on 10.09.2007 with liberty to the appellant to approach the High Court. The appellant filed MJC No. 2752 of 2007, which was dismissed on 02.04.2009 with observation that he should file representation before the Vice Chancellor. The appellant filed Special Leave Petition against the order passed by this Court on 02.04.2009 which was withdrawn later on 22.02.2010. It is thereafter, the appellant submitted representation on 02.03.2010. Later, he filed contempt on 05.07.2010 when no action was taken by the University.

6. In the contempt proceeding, show cause and supplementary show cause were filed by the opposite parties.

Supplementary show cause was filed on 01.05.2013. It was pointed out that all admitted dues have been paid to the appellant from 22.11.2008 till 27.09.2011 and his pension has been revised. Thus, the Court formed an opinion that the order of the Court stands complied with. However, for delay in complying with the order, the Court awarded Rs. 10,000/- as cost.

7. We find that the learned single Bench in the order dated 30.04.2014 has recorded a categorical finding that the order of the Court stands complied with. The learned single Bench in review has not found any error apparent on record in the order impugned. This Court in Letters Patent Appeal does not find any error in the finding recorded by the learned single Bench that the order passed stands complied with though after some delay. The issue is as to whether; the respondents have not complied with the order passed by Supreme Court. The finding is that the order stands complied with.

8. We do not find any ground to interfere with the order passed by the learned single Bench. The Letters Patent Appeal is, accordingly, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/P.Kumar
N.A.F.R.

U			
---	--	--	--