

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1040 of 2016

In
Civil Writ Jurisdiction Case No. 184 of 2012

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Binay Kumar Rajan S/o Late Indrasan Ram, resident of mohalla- Mufti, P.S. Hajipur (T), District- Vaishali, Hajipur

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Mr. Anjani Kumar Singh Govt. of Bihar, Patna.
2. The Secretary Mr. Dipak Kumar, Personal Administration Reforms Department, Govt. of Bihar, Patna.
3. The Deputy Secretary Mr. Atul Kumar Sinha Personal and Administrative Reforms Department, Govt of Bihar, Patna.
4. The Treasury Officer, A.K. Singh, Hajipur, Vaishali.
5. The Collector Mr. Jitendra Srivastava Hajipur, Vaishali.
6. The Accountant General Mr. M.I.D.S. Dhariwal, Bihar, Patna.
7. Principal Secretary Mr. J.S. Gangwar Department of Personal and Administrative Reforms, (Now General Administration Department), Govt. of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Aslam Ansari

For the Respondent/s : Mr. P.K. Verma

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 17-08-2016 Heard both sides.

A show cause on behalf of the Opposite Party Nos.

2, 3 and 7 is filed.

The application alleges wilful/deliberate disobedience of the order dated 09.04.2012 passed in C.W.J.C. No. 184 of 2012 (Annexure-1) whereby this Court directed the Principal Secretary, Department of Personnel and Administrative Reforms (now General Administration Department) to consider the representation of the petitioner with regard to withholding of 10% of pension and gratuity of the deceased employee.

Depending upon the result of the disposal of the representation the admissible dues were also directed to be paid.

It is stated that upon examining the claim of the petitioner, the General Administration Department vide letter dated 21st February, 2013 authorized the deceased employee (father of the petitioner) 100% pension and 100% gratuity. The payment thereof could not be authorized for the reasons disclosed in Annexure-D to the show cause.

The petitioner had approached this Court against arbitrary withholding of part of the pension/gratuity. The same has now been authorized in favour of the petitioner. It is stated that certain documents could not be furnished by the petitioner which disabled the Opposite Parties from taking further steps towards payment.

The counsel for the petitioner has submitted that now all paper(s) have been furnished to the Department on 14.07.2016. It is expected that the Opposite Parties will now proceed towards payment of the pension/gratuity dues of the deceased employee in accordance with law.

The contempt application is dismissed.

(Kishore Kumar Mandal, J)

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