

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4042 of 2017

=====

Surendra Jha, Son of Kantir Jha, Resident of Mohalla R.S. Tank,
P.O.- Laheria Sarai, P.S.- Bahadurpur, District- Darbhanga.

.... Petitioner

Versus

1. The State of Bihar through Secretary, Department of Water Resources, Government of Bihar, Patna.
2. The Deputy Secretary (Management), Water Resources Department of Bihar, Patna.
3. The Under Secretary to Government, Water Resources Department, Government of Bihar, Patna.
4. The Under Secretary to Government, Finance (Personal Claim Settlement Cell) Department, Government of Bihar, Patna.
5. Officer-in-Charge, Personal Claim, Settlement Cell, Finance Department, Bihar, Patna.
6. The Executive Engineer, Ghorasahan Canal Division, Raxaul, East Champaran at Motihari.
7. The District Provident Fund Officer, Motihari District East Champaran at Motihari.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Durga Nand Jha, Advocate
For the State : Mr. Rewti Kant Raman, AC to SC-11

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 20-07-2017

Heard learned counsel for the petitioner
and learned counsel representing the State.

The petitioner, in the present case, has
got certain grievances with respect to non-payment of
the difference amount of his post retiral dues and
leave encashment. In the earlier round of proceeding,
this Court in C.W.J.C. No. 4304/2005, disposed of on
26.09.2007, considered the stand of the parties and
issued a direction/mandamus in the following terms:-



“In that view of the matter this writ petition is disposed of giving liberty to the petitioner to file appropriate representations before the concerned authorities for the remaining grievances relating to computation of interest and payment of less number of days of earned leave encashment within three weeks from today supported by the documents, if any, as also copy of the order of the Court. If such representations are filed in the manner stated above the concerned authorities shall consider the same and dispose of those representations by a reasoned order within four weeks therefrom. If the order(s) disposing of the representations admit payment of certain dues the same should also be paid to the petitioner within a reasonable period of time but not later than 8 weeks therefrom. With the aforesaid direction/directions this writ petition is disposed of.”

The said order was modified vide order dated 07.12.2007 allowing the petitioner to make representation on or before 05.01.2008 (there appears some typographical error over the year mentioned therein).

Learned counsel for the petitioner submits that pursuant to the said order he filed a representation on 27.12.2007, which is Annexure-3



to the present writ application, however, till date, no decision has been taken on his representation. Petitioner claims to have made repeated representation but the State respondents are sitting tight over the matter without there being any consideration.

Learned counsel for the State is not in a position to answer it. This Court raised a query as to once a writ of mandamus has been issued by a coordinate Bench of this Court in C.W.J.C. No. 4304/2005, why this Court will issue another mandamus in the same facts and reasons and to the same authorities.

Learned counsel for the petitioner admits that there being a mandamus issued by this Court in the earlier writ application, the petitioner should have file a contempt application, however, the petitioner has chosen to file writ application.

In the facts and circumstances stated hereinabove, this Court is of the opinion that if the State respondents are not complying with the order of this Court as mentioned above, the petitioner is granted liberty to file a contempt application even at this stage so that the Court can take appropriate



action for non-compliance of its order.

This writ application is not maintainable and the same is disposed of with the aforesaid observations.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

U			
---	--	--	--

