

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 1936 of 2015

Arising out of

Civil Writ Jurisdiction Case No. 14872 of 2008

=====

Vimal Kishore Yadav, aged about 70 years, Son of Late Karu Lal Yadav, (retired Principal, Primary Teachers Education College, Mahendru, Patna resident of village- Bhim Kitta, P.S. Nathnagar, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through Mr. Anjani Kumar Sinha, the Chief Secretary Government of Bihar, Patna.
2. Mr. R. K. Mahajan, Principal Secretary, Department of Education, New Secretariat, Bihar Patna-cum-Secretary, Primary and Adult Education Govt. of Bihar.
3. Mr. Rajendra Ram, Director Administration-cum-Additional Secretary, Education Department, New Secretariat, Bihar Patna.
4. Mr. Chandra Shekhar Kumar, District Education Officer (D.E.O.), Patna.
5. Mr. Sanja Kumar, Accountant General (A.G.), Bihar, Patna.

.... Contemnors- Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ajoy Kumar Chakraborty and Mr. Krishna Murari Rawt, Advocates
For the State	:	Ms. Shilpa Singh, G.A. 12
For the Accountant General	:	Mr. L. P. K. Rajgrihar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 22-02-2017

Heard learned counsel for the parties.

Pursuant to order dated 25.01.2017, the opposite parties no. 3 and 4 are also present.

The petitioner has moved the Court alleging violation



of the order dated 29.01.2015 passed in C.W.J.C. No. 14872 of 2008.

In terms of the said order, the petitioner was held entitled to grant of post retiral dues in terms of notional promotion given to him with effect from 01.01.1997.

From the pleadings on record, especially the show cause filed on behalf of the opposite parties, it transpires that treating the petitioner to be promoted with effect from 01.10.1997 and thereafter notionally fixing his pay, the benefits have been calculated and actual payment has also been made, including Leave Encashment.

Learned counsel for the petitioner admitted that though notionally, the salary has been fixed giving him the benefit of promotion from 01.01.1997, but payment for the same has not been made.

The Court has perused the materials on record and comes to the conclusion that after notionally re-fixing the benefit of promotion to the petitioner with effect from 01.01.1997, the revised P.P.O. has also been sent to the Bank for payment and with regard to Leave Encashment, as the amount had to be separately paid, the same has been done through a demand draft.

In view of the aforesaid, the Court finds that the order dated 29.01.2015 passed in C.W.J.C. No. 14872 of 2008, stands



complied with.

In view thereof, the application stands disposed off.

Rule in the matter of contempt issued against the opposite parties no. 3 and 4 stands withdrawn. Their personal appearance also stands dispensed with.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	

