

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2061 of 2010

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Surendra Narayan Jha s/o late Mathura Jha, retired Asst. Planner (Architecture), resident of 4A/17, Jagdamba Path, North- S.K.Puri, Boring Road, Patna-800013.

.... Petitioner/s

Versus

1.State of Bihar through Ganesh Shanker, Principal Secretary Cum Commissioner, Urban Development Department, Govt. of Bihar, New Secretariat, Patna.

2. Laxmi Narayan Das, Chief Town Planner, Town and Country Planning Organization, Urban Development Department, Govt. of Bihar, New Secretariat, Patna.

3.Mr.Dhariwal, Accountant General, Bihar, Birchand Patel Path, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Pd. Singh

For the Respondent/s : Mr. Ajay Behari Sinha, G.A. 8

Mrs. Seema Ghazala, A.C. to G.A.8

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

12 20-04-2017

When this case has been taken up, a submission has been made by the learned counsel for the petitioner that he has no interest in the case as he will not continue to represent the petitioner as an allegation has been levelled against him by the petitioner and thus he does not want to appear on his behalf any further. He thus prays that he may be reclused from this case. The wife of the petitioner herself appeared in this Court to plead the case, who states that she has no interest in proceeding with the case as all amounts due to her husband have been paid.

On the last occasion, this Court while hearing the matter directed the Principal Secretary, Urban Development Department, Government of Bihar, Patna to be personally present



in Court to explain the action and file show cause. In the order passed earlier it has been directed that an amount of Rs. 1760/- was to be paid to the petitioner on the basis of last pay drawn but instead the Accountant General has paid the petitioner's dues at the rate of Rs. 910/- fixing the last pay drawn to be at Rs. 910/-.

Counsel for the State says that, in fact, this order, which is subject matter of the present contempt application, has been modified by the order passed in LPA No. 20 of 2006 (Annexure 5). The Division Bench of this Court has held in para 6 as follows:

“In the result, we direct that the period from 13.10.1969 to 21.01.1981 shall qualify for the purpose of pension. He shall deposit the cost of pension in terms of Rule 276 read with Rule 278 of the Bihar Service Code with interest from the date (s) he was required to deposit the same with the Bihar Government. He shall be entitled to pension with statutory interest from the date of entitlement till the date of payment. It is made clear that the amount payable by the respondent no.1 herein shall be adjusted against the amounts due to him without the necessity of actual deposit by him. The order of the learned Single Judge is accordingly modified. In the circumstances of the case, there shall be no order as to costs.”

This essentially implies that the amount be paid on



the basis of last pay drawn by the petitioner, which was admissible to him as on 21.1.1981 and not at the amount at which he retired from his foreign service.

Accordingly, the Division Bench had directed that he will be paid amount on the basis of last pay drawn as on 21.1.1981. It was taking into consideration such order passed by LPA Court that the amount has been calculated and paid on the basis of the last pay drawn on 21.1.1981 i.e. Rs. 910/-. As such, there is no violation of the order passed by this Court.

So far as the interest for the delayed payment is concerned, it is submitted that it has to be calculated and payment order will be issued for making payment from the date of entitlement till the date of actual payment. Such payment order is in the process of being sent to the Treasury.

Accordingly, this court is fully satisfied that no further order need be passed in the contempt application.

The present contempt application stands disposed of.

(Anjana Mishra, J)

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