

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.5735 of 2013

IN

Civil Writ Jurisdiction Case No. 9241 of 2008

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1. Kumar Rameshwar Lal Das S/O Late Bankey Lal Das Resident Of Village Ratupur, P.O. Tajpur Via Tulapat Ganj, District Madhubani, At Present Resident Of Bhandari Bhawan, Jhanjharpur, Retired Assistant Superintendent, Physical Education, Araria.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Mr. Chanchal Kumar, The Secretary, Art, Culture And Youth Department, Govt. Of Bihar, Vikas Bhawan, Patna.
3. Mr. Ajit Kumar Singh, Director, Art, Culture And Youth Department, Govt. Of Bihar, Vikas Bhawan, Patna.
4. Mr. Shri Ram Singh, The District Education Officer, Madhubani.
5. Mr. Shobha Kant Sharma, The Divisional Superintendent Physical Education, Darbhanga.
6. Mr. Naresh Chauhan, The Superintendent, Physical Education, Koshi Division, Sahrsha.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bankey Bihari Singh, Advocate
For the Respondent/s : Mr. Chittranjan Sinha, PAAG-2
Mr. Shailendra Kumar, AC to PAAG-2

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 19-04-2017

This application has been filed for initiating action for contempt on account of the fact that certain orders, stated to have been passed in C.W.J.C. No.9241 of 2008 on 29.4.2013, have not been complied with.

2. From the show cause filed on behalf of the respondents, it is seen that all the payments have been made to the petitioner. In the writ petition, the only direction issued was to settle



the claim. According to the respondents, the claim has been settled and the amount has been paid to the petitioner. However, by filing a rejoinder petitioner points out some error in calculation of the leave encashment and it is his case that a sum of Rs.8832/- still to be paid. There being a dispute now with regard to quantification of the amount and there being no quantification in the order passed in the writ petition, on such ground action for contempt cannot be initiated.

3. In case the petitioner has any grievance with regard to the manner in which the quantification has been done, it gives a fresh cause to the petitioner to challenge the same in accordance with law, but not the case for initiating action for contempt.

4. Finding no case for initiating action for contempt, this application is disposed of and the respondents discharged from the proceedings.

5. The petitioner shall be at liberty to claim the unpaid amount in accordance with law.

(Rajendra Menon, CJ)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	27.4.2017
Transmission Date	N/A

