

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.251 of 2012

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Dhirendra Kumar Thakur, S/o Late Taranand Thakur, R/o Mohl - Kosi Colony
Birpur, Quarter No. - F - 75, P.S. Birpur, Distt. - Supaul

.... Petitioner/s

Versus

1. The State of Bihar
2. Anjani Kumar Singh, the Commissioner - Cum - Secretary, Human Resources
Department, Bihar, Patna
3. Ganesh Yadav, the Registrar Bhupendra Narayan Mandal University, Laloo
Nagar, Madhepura
4. Dr. Arun Kumar, the Vice Chancellor, Bhupendra Narayan Mandal University,
Laloo Nagar, Madhepura
5. Jai Narayan Mandal, the Principal, Lalit Narayan Mishra Smark College, Birpur
in the District of Supoul

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kumar Pandey, Advocate
For the Respondent/s : Mr. Maruth Nath Roy, A.C. to S.C. 4
Mr. Bipin Bihari Singh, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
ORAL JUDGMENT

Date: 13-02-2017

Heard learned counsel for the parties.

2. This Court in C.W.J.C. No. 14979 of 2004 directed
the respondents to release the amount of pension and gratuity
withheld together with 5 per cent interest thereon vide order dated 17th



of September, 2007. Petitioner filed M.J.C. No. 1272 of 2008. Said contempt application was disposed of with direction to the University to re-calculate the interest in terms of the order under contempt and to pay the difference to the petitioner.

3. The stand of the petitioner is that a sum of Rs. 1,31,481/- is still due to the petitioner. The calculations attached by the petitioner with the present petition shows that the petitioner has claimed compound interest.

4. The petitioner filed another M.J.C. No. 293 of 2010 which was disposed of on 14th of July, 2011 with direction to decide the representation, if the same is pending. It is thereafter, the petitioner filed the present contempt application.

5. The stand of the respondents in the show-cause is that a sum of Rs. 1,22,276/- has been paid in excess to the petitioner, which is recoverable/adjustable in accordance with law. The said assertion is controverted by the petitioner.

6. Since there is dispute in respect of the amount payable to the petitioner, it is open to the petitioner to avail such other remedy as is available to him but in view of the disputed question of fact it cannot be said that the orders passed by this Court has not been complied with. It cannot be said that there is any intentional non-compliance of the orders passed by this Court.



7. The contempt application stands disposed of accordingly.

(Hemant Gupta, ACJ)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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