

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2202 of 2010

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Laxmi Narain Vishwakarma, son of Late Dhannu Vishwakarma, resident of
Manoj Kumar Goswami, Jamalpur Dih, Ward No.12, Jamalpur, P.O. &
P.S.-Jamalpur, District-Munger

.... Petitioner

Versus

1. State of Bihar through Commissioner and Secretary, Nagar Vikas
Department, Govt. of Bihar, Patna.
2. Shri Arvind Kumar Singh, District Magistrate, Munger.
3. Mr. Rajesh Kumar @ Danlat Paswan, Chairman, Nagar Parishad,
Jamalpur, District-Munger.
4. Sri Mukesh Kumar Agrawal, Executive Officer, Nagar Parishad,
Jamalpur, District-Munger.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Pandey No.1, Advocate
For the State : Ms. Alka Verma, A.C. to S.C.-17
For Jamalpur Nagar
Parishad : Ms. Rakesh Kumar Sinha, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

10 23-02-2017 It appears from the order dated 20.08.2009 passed in

CWJC No.16450 of 2007 and its analogous cases that this

Court had directed that the petitioner as well as others shall file

representation before the Executive Officer, Jamalpur Nagar

Parishad stating all their claims separately enclosing the copy

of the relevant documents, if any, in support of their claims

along with certified copy of the aforesaid order dated

20.08.2009. In the event of such representation being made,

this Court had directed it to be disposed of in accordance with

law expeditiously, preferably within a period of four months on

receipt of such representation, so that the admitted claims of the



petitioner could be paid without delay. This Court had also left it open to the opposite parties that if any of the claims are found not admissible as per law, the same shall be communicated to the petitioner along with the reasons therewith.

A show cause has been filed by the Executive Officer, Nagar Parishad, Jamalpur, Munger (Opposite Party No.4), in which they have annexed letters dated 10.12.2010, 19.02.2013 as also 14.03.2013. It appears from perusal of the said letters (Annexure A series) and particularly Letter No.532 of 14.03.2013 sent to the petitioner by speed post that an advance taken by the petitioner to the tune of Rs.5,89,147/- from the Nagar Parishad, Jamalpur has not yet been deposited by him, as a result of which his post-retirement benefits cannot be released. There is no answer to this letter by the petitioner and as such, for the reasons stated in the show cause, the opposite parties have not released the pensionary benefits of the petitioner.

It thus appears that no case is made out under the Contempt of Courts Act as the order, which is made the subject-matter of the present contempt application, clearly indicates that if any of the claims are found not admissible as



per law, the same shall be communicated to the petitioner along with the reasons therewith.

It shall, however, be open to the petitioner to approach the opposite party-authorities once again for payment of pensionary benefits.

However, in the facts and circumstances of the case, no case under the contempt of Courts Act is made out. It is, accordingly, dismissed.

(Anjana Mishra, J)

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