

IN THE HIGH COURT OF JUDICATURE AT PATNA**Miscellaneous Jurisdiction Case No.2078 of 2015****In****Civil Writ Jurisdiction Case No. 12959 of 2011**

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1. Uma Shankar Prasad Sinha S/o Late Sukhdeo Prasad Singh Resident of Navneet Colony, Rukanpura, Bailey Road, Patna-14.

.... Petitioner/s

Versus

1. The State of Bihar through Mahesh Prasad Singh, District Programme Officer, Patna (in place of Respondent No. 4 the District Superintendent of Education, Patna.)

2. Shri Shridhar C, Director, Primary Education, Government of Bihar, Patna. (Note : Since the direction was issued only against the Respondent No. 4, the District Programme Officer is arrayed as the only Opposite Party).

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Vidya Sagar

For the Respondent/s : Mr. Ravi Verma, AC to GP 4

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

04 29.11.2017 Heard.

After direction of this court in CWJC no. 12959/2011, respondent no.4 of the original writ petition passed order on 11.9.2015 for payment of salary for the period as mentioned in the order of this court with upto date interest. Furthermore, he ordered that wife of the petitioner is not entitled for increment in accordance with rule.

Learned counsel for the petitioner submits that the concerned respondent illegally denied benefit of



increment to the wife of the petitioner and apart from this he had not passed any order regarding interest on delayed payment.

Learned counsel appearing for the State submits that District Programme officer, Establishment Patna has specifically mentioned in his order that upto date interest shall be paid to wife of the petitioner meaning thereby the District Programme officer, Establishment Patna has passed of making payment of interest in accordance with rule but, in my view, order regarding interest is not clear because the District Programme officer, Establishment Patna ought to have passed a clear order regarding payment of interest on account of delayed payment. So far as non-grant of increment is concerned, the aforesaid point can not be decided in this contempt petition and in the aforesaid circumstances, this contempt petition stands disposed of with direction to the District Programme officer, Establishment Patna/ concerned officer to pass specific order regarding interest on delayed payment within three months from the date of receipt/production of a copy of this order. It goes without saying that if it is



found that any amount is due, the same shall be paid to the petitioner within one month thereafter.

Petitioner shall be at liberty to raise his grievance before appropriate forum in respect of non-grant of increment to his wife within three months from today.

Shahid

(Hemant Kumar Srivastava, J)

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