

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.5219 of 2013

IN

Civil Writ Jurisdiction Case No. 15547 of 2001

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Shashi Sekhar Narayan Sinha, S/O Late Harideo Prasad Sinha, Resident of
Mohalla- Balbhadrapur, P.S- Laheriasarai, District- Darbhanga.

.... Petitioner/s

Versus

1. B.R.A. Bihar University, Muzaffarpur through its Registrar Dr. Akhileshwar Prasad Mishra.
2. The Vice- Chancellor, B.R. Ambedkar Bihar University Muzaffarpur, Namely Dr. Kumar Vinod.
3. The Then Finance Officer, B.R. Abekdar Bihar University, Muzaffarpur, Namely Sri J.N.P. Sinha.
4. Ranchi University, Ranchi through its the then Registrar Dr. Jyoti Kumar.
5. The Chancellor of the Universities Rajbhawan, Patna.
6. The State of Bihar, Secretary, Dept. Of H.R.D. Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Jha, Advocate

For the Respondent/s : Mr. Sanjay Kumar, AC to GP-23

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 29-03-2017

Inter alia contending that an order passed in Civil Writ Jurisdiction Case No.15547 of 2001 and subsequently on 31.01.2012 in Miscellaneous Jurisdiction Case No.1585 of 2009 has not been complied with, this application has been filed for initiating an action for contempt.

Having heard learned counsel for the parties, it is seen that after orders were passed on 19.12.2007 in CWJC No.15547 of 2007, on 31.01.2012, the issue was again considered in Miscellaneous Jurisdiction Case No.1585 of 2009. The said application was disposed



of by so observing:-

“This Court is not in a position to adjudicate on the contesting claims now raised by virtue of calculation made by the State Auditor. The application is disposed off with the liberty to the petitioner who is not present today to raise his grievance before an appropriate forum if he finds fit.

However, since the show cause is silent as to whether the interest on GPF amount as directed by this Court in the connected writ application the authorities are directed to comply with the said part of order within a period of four weeks from the date of receipt of this order.

With these observations, the application is disposed off.”

Now, after prolong proceedings held and in reply to the show cause filed, we find that the entire claim of the petitioner for payment of GPF along with interest has been settled and the petitioner in the reply to the supplementary counter affidavit has raised a further claim of more than Rs.4,26,492.25. This seems to be the disputed claim.

Taking note of the facts and circumstances of the case and finding that the claim of the petitioner with regard to most of the amount has already been settled and now the claim which remains to be settled is a disputed claim, no further adjudication with regard to the said claim can be made in these proceedings for contempt.

The petitioner had made complaint with regard to the



delay in adjudicating the claim. The respondents in the show cause have explained the delay by attributing some lapses administrative in nature for the same and have sought for unqualified and unconditional apology for the same. Taking note of the same, no further action is required to be taken in the matter.

The application is disposed of and liberty shall be available to the petitioner to make further claim, in case, he has any grievance still subsisting by taking recourse to such remedy as may be permissible in law.

(Rajendra Menon, CJ)

Sunil/-

AFR/NAFR	N. A. F. R.
CAV DATE	N. A.
Uploading Date	31.03.2017
Transmission Date	

