

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2003 of 2016

In

Civil Writ Jurisdiction Case No. 20902 of 2013

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Akhileshwar Sharma Son of Late Brajnandan Singh resident of Village -
Nisarpura, P.O. Mohammdpur, Via - Bikram, District – Patna

.... Petitioner

Versus

1. The State of Bihar.

2. Sri Dilip Kumar, the Director, General Provident Fund Bihar, Pant

Bhawan, Bailey Road, Patna

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. P.K. Verma

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA

PRATAP SINGH

ORAL ORDER

3 15-03-2017 The instant contempt petition has been filed for willful
non-compliance of order dated 27.11.2015, passed in CWJC
No.20902 of 2013.

The petitioner was an employee of the Bihar State Leather
and Industries Development Corporation. In terms of its policy
decision, the Director General, Provident Fund Bihar, Patna
(opposite party no.2) vide memo no.4456, dated 25.4.1997
requisitioned services of competent employees from the different
Corporations and Undertakings to fill up the vacant posts in the
Provident Fund Directorate by deputing them on pay protection
till new appointment is made or a decision is taken for absorption
of eligible person. The Director, Provident Fund Department
(opposite party no.2), vide its policy decision, dated 9.3.1998



reiterated the earlier resolution to grant pay protection to the petitioner. The grievance of the petitioner is that in spite of its own decision to provide pay protection to the requisitioned employees of different Corporations till absorption, pay protection would be provided, the same has not been followed.

The writ petition was disposed of with direction to the opposite party no.2 to re-consider the matter, of providing pay protection to the petitioner in light of letter, dated 9.3.1998, as its stand was not in consonance with its Letter no. 2025, dated 9.3.1998.

Learned counsel for the petitioner submits that in spite of order of this Court, opposite party no.2 has not done the needful.

A show cause has been filed on behalf of the opposite party no.2. In paragraph 7 of the show cause, it is stated that the pay scale fixed in the parent organization of the concerned employees has been protected and the pay scale prior to 8.3.2006, not given by the parent organization, would not come under the pay protection.

In my view, as there is some material difference in the stand of the petitioner and the opposite parties, the petitioner would file a representation before the Director, Provident Fund,



Bihar (opposite party no.2) within a period of three weeks, whereafter the latter would pass fresh order after giving personal hearing to the petitioner within a period of ten weeks in consonance with its commitment contained in its resolution dated 9.3.1998.

The contempt petition is thus disposed of.

(Samarendra Pratap Singh, J)

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