

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.503 of 2017

IN

Civil Writ Jurisdiction Case No. 5771 of 2010

=====

Girija Nand Jha Son of Late Dr. N.N. Jha Resident of Mohalla - Balbhadrapur,
Police Station - Laheriasarai, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sri Arun Kumar Singh, the Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. Sri Sushil Kumar Singh, Joint Secretary (Management), Water Resources Department, Government of Bihar, Patna.
4. Sri Subhash Chandra Sharma, Under Secretary (Management), Water Resources Department, Government of Bihar, Patna.
5. Sri S. Suresh Kumar, Accountant General, Bihar, Bir Chand Patel Path, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Satish Chandra Jha-3, Advocate

For the Respondent/s : Mr. Anjani Kumar, AAG-4

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 24-01-2018

Keeping in view the fact that initially when the contempt application was filed complaining disobedience of the order passed on 9.9.2011 in C.W.J.C. No.5771 of 2010 when M.J.C. No.6597 of 2012 was taken up, a show cause filed by the respondents and when the show cause was brought on record on 30th of April, 2014, as is evident from Annexure 2, petitioner's counsel stated that the order passed in the writ petition has been complied with and, therefore, the contempt application was disposed of on 30th of April, 2014. Thereafter, when certain payments were made to the petitioner by the office of the



Accountant General on 7.4.2015 vide Annexure 5, petitioner points out that the arrears have been paid, but interest to the extent of only 29,000/- has been granted and the entire interest amount has not been calculated.

By filing a detailed show cause, learned counsel appearing for the State argues that the entire interest has been paid to the petitioner. What was paid vide Annexure 5 on 27.4.2016 was certain amount which accrued to the petitioner after revision of pay-scale and after the first contempt application was disposed of on compliance reported, reopening of the matter in the guise of a contempt application only because Annexure 5 has been issued on 27.4.2016 is not permissible.

Having considered the contentions, I am of the view that now in the light of the fact that petitioner stood satisfied when the earlier contempt application was disposed of, if on account of any subsequent development, the petitioner has any grievance with regard to non-payment of interest, the petitioner can always claim the same in accordance with law and demonstrate while doing so that the entire interest amount, as ordered in the original writ petition on 9.9.2011 has not been paid to him and while such a challenge is made, the question of underpayment or non-payment can be gone into, but on that ground no action for contempt can be taken in the present



proceedings.

With the aforesaid liberty to the petitioner, the application is disposed of.

(Rajendra Menon, CJ)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29-01-2018
Transmission Date	

