

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2575 of 2014

IN

Civil Writ Jurisdiction Case No. 14992 of 2007

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Md. Serajuddin son of late Md. Subejan, resident of Mohalla- Millat Nagar (Bauli),
P.O. and P.S. Phulwari Sharif, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner cum Secretary, Road Construction Department, Vishesharaih Bhawan, Bailey Road, Patna namely Pratey Amrit
3. The Engineer-in-Chief, Road Construction Department, Vishesharaih Bhawan, Bailey Road, Bihar, Patna namely Engineer Sri Deo Narayan Prasad
4. The Superintending Engineer, Advance Planning, Road Construction Department, Bihar, Patna, namely Sri Ajoy Kumar Singh
5. The Director cum Joint Commissioner, Account Administration, Directorate Provident Fund, Patna, namely Sri L.P. Chauhan
6. The District Provident Fund Officer, Bihar, Patna Finance namely Sri Brijesh Kumar
7. The Director Primary Education, Human Resources Development Department, Bihar, Patna namely Sri R.S. Singh
8. The Accountant General, Bihar, Patna namely Sanjoy Kumar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Syed Md. Najmul Bari

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

Mr. Amt. Kumar Jha, AC to AAG 4

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 05-01-2018



Inter alia, contending that an order passed in CWJC No. 14992 of 2007 on 26.09.2008 has not been complied with this application has been filed for initiating action for contempt.

The application is pending since 2014 and on the basis of monitoring done by this Court actions have been taken, show cause notices and counters have been filed. Today, the matter is for final hearing.

A perusal of the order passed by the learned Writ Court goes to show that the Writ Court found that inspite of approval of the competent authority the Government clearing the claim for settling the pensionary claim of the retired employees and other benefits and the same being granted and, therefore, more than 100 cases were disposed by a common order issuing various directions which pertain to evaluate the claim of the employees concerned, collecting information, getting all formalities completed and thereafter revision of pay, pension, and pensionary benefits and payment of arrears after grant of due promotion. In fact, on a perusal of the order passed by the learned Writ Court it is seen that all the writ petitions which were decided by the common order the petitioners claimed payment of retrial dues or death-cum-retirement benefits payable to employees who have died in harness or after their retirement along with statutory interest. Based on the



collective directions issued, the claim of the petitioner was evaluated and during various proceedings held based on interim directions issued by this Court.

Now, from the show cause filed by respondent no. 4 on 09.08.2017 it is clear that based on the service profile and the working of the petitioner as is detailed in paragraph-4 of the show cause, claim of the petitioner has been evaluated and the details of the payment made in paragraph-6 of the show cause, namely, the payment of Group Insurance to the tune of Rs.29,811/-, Leave Encashment of Rs.62,000/-, GPF of Rs.2,76,866/-, additional amount of GPF amounting to Rs.21,521/-, statutory interest of Rs. 23,925/-, penal interest of Rs.56,741/-. It is stated in the detailed counter affidavit that for the reasons indicated therein that apart from the aforesaid no further benefit accrues to the petitioner. Even though the learned counsel for the petitioner filing rejoinder tried to point out that in the matter of pay fixation and grant of increment and calculation, various illegalities have been committed. Learned counsel representing the State refutes the aforesaid and argued that dues of the petitioner have been calculated and paid to him and nothing further remains to be paid. The petitioner in the rejoinder tried to bring to the notice that benefit granted to various other employees similarly situated



persons and claims further relief.

The question is as to whether in this contempt proceeding now all these disputes with regard to quantification of the amount and various other questions pertaining to refusal of pay entitlement of the petitioner can be adjudicated. If the detailed order passed by the learned Writ Court is taken note of, it cannot be seen that in the case of more than 100 employees without going into the specific dispute with regard to any person the claim was directed to settle by the competent authority after collecting the record and examining the service pertaining to the employees and settle their claim. The respondents having done so, on the basis of averments today raised by the petitioner, the petitioner's claim item-wise cannot be analyzed and adjudicated in this proceeding. This Court is satisfied with the compliance reported by the respondents and does not deem it appropriate to enter into any area of adjudication of the disputes in this contempt proceeding. Once the claim of the petitioner has been settled by the respondents, in case the grievance of the petitioner still subsisting with regard to the manner the claim has been settled, the petitioner may claim the same in accordance with law but on the ground that the claim has not been settled in the matter as indicated by the petitioner, I see no reason to proceed any further in this contempt petition.



The application is disposed of. The respondents are discharged from the proceeding and liberty is granted to the petitioner to raise his claim afresh in accordance with law.

(Rajendra Menon, CJ)

mr1./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	09/01/2018
Transmission Date	

