

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1929 of 2017

In

Civil Writ Jurisdiction Case No. 5945 of 2016

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Hari Narayan Choudhary, son of late Rama Choudhary, resident of Mohalla-Fatzampur, P.O.-Sabalpura, P.S.-Didarganj, District-Patna.

.... Petitioner

Versus

1. The Patna Municipal Corporation , C-Block, Second Floor, Maurya Lok Complex, Dak Bunglow Road, Patna-800001 through its Commissioner namely Abhishek Kumar Singh
2. Abhishek Kumar Singh, the Commissioner, the Patna Municipal Corporation, C-Block, Second Floor, Maurya Lok Complex, Dak Bunglow Road, Patna-800001.

.... Respondents-Contemnors/Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Ajay Prasad, Advocate

For the Respondent/s : Mr. Prasoon Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 03-01-2018

This contempt petition has been filed by the petitioner for deliberate non-compliance of the order dated 06.04.2017 passed in C.W.J.C. No.5945 of 2016 by this Court whereby appreciating the stand of the Corporation of taking steps to make payment of retiral benefits, it was directed to ensure that all the retired employees are paid their due retiral benefits.



A show cause has been filed on behalf of the opposite parties in which it is stated that the petitioner superannuated from the post of Revenue Clerk on 30.09.2015 and, thereafter, he has been paid Rs.1,41,990.00 as provident fund amount, Rs.3,42,013.00 on account of his revised pay scale difference from 01.04.1997 to 31.10.2004 and Rs. 12,055.00 as pension. It is also stated that as far as the claim of the petitioner for other retiral benefits is concerned, the payment is being made in a chronological manner due to paucity of fund. The Corporation had earlier paid death-cum-retirement benefits to the employees, who had died or retired upto 31.03.2010 and thereafter vide order dated 31.03.2014, a decision was taken by the Corporation to pay death-cum-retirement benefits to its employees, who retired/died upto 31.03.2012. In the same manner, vide order dated 22.09.2015, a decision was taken to pay such amount of death-cum-retirement benefits to the employees, who died or retired upto 31.03.2013. Similarly, a decision was taken vide order dated 09.11.2016 to make payment of death-cum-retirement benefits to employees, who died or superannuated upto 31.03.2015. It is further stated that as the petitioner has superannuated on 30.09.2015, in the next order other entitlement of post retirement benefits shall be paid. It is also stated that the petitioner is regularly getting the pension amount so fixed and there is no violation to the



order passed by this Court in C.W.J.C. No.5945 of 2016.

I have heard learned counsel for the petitioner and perused the show cause filed on behalf of the parties. I am of the opinion that there is neither any deliberate nor any willful non-compliance of the order passed by this Court and no case for initiation of contempt proceeding against the opposite parties is made out.

The application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.01.2018
Transmission Date	NA

