

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.30 of 2012

In
Civil Writ Jurisdiction Case No.13551 of 2002

=====

Renuka Rani w/o Chandra Mauli Mishra, R/o Govt. Flat No. 55/800, Shastri Nagar, District Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Navin Kumar (father's name not known to the petitioner) the Chief Secretary, Govt. of Bihar, Patna
3. Sri Deepak Kumar (father's name not known to the petitioner) the Secretary, Personnel and Administrative Reforms Department, Govt. of Bihar, Patna
4. Sri Satish Prasad (father's name not known to the petitioner), the Special Secretary, Cabinet (Vigilance) Department, Govt. of Bihar, Patna

... .. Opp. Parties

=====

Appearance :

For the Petitioner/s : Mr. Nagendra Upadhyay
For the Respondent/s : Mr. Shyam Kishor Sharma, GA 3

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT
Date : 18-07-2018

Complaining disobedience of an order dated 09.09.2011 passed in CWJC No. 13551 of 2002 this application has been filed for initiating a proceeding for contempt.

Petitioner's husband was working in the Government Department and his whereabouts were not known for a long period of time. Consequently, his services were terminated. Challenging the order of termination dated 27.07.2002 the writ petition in question was filed. The writ petition was allowed. It was held by the learned Writ Court that in view of the provision of Section 108 of the Evidence Act as the husband of the petitioner was traceless



since 07.05.1994 he is deemed to have died and quashing the order of termination the writ petition was allowed and the respondents were directed to settle the claim of the petitioner.

Inter alia contending that the claim of the petitioner has not been settled this application has been filed. Records indicate that LPA No. 897 of 2012 filed by the State Government was pending and after disposal of the appeal by a Division Bench of this Court on 17.07.2017 from the show cause filed by the respondents it is clear that all the pensionary claims of the petitioner have been settled. Provident Fund amounting to Rs.3,72,097/-, Group Insurance amounting to Rs.1,14,584/-, Leave Encashment of Rs.31,008/-, wages for certain period amounting to Rs.32,122/- have been sanctioned and have already been credited to the petitioner's account. Family pension of the petitioner and the amount of gratuity have also been sanctioned and payment order has also been passed by the office of the Accountant General, Bihar, Patna vide Annexure-J.

Taking note of all these facts it is stated that the entire dues have been paid. However, by filing a detailed rejoinder the petitioner has tried to indicate that the calculation of the claim is not proper as it appears that pay fixation was done not in



accordance with the revised scale granted by the Fourth Pay Revision Commission.

The dispute now raised by the petitioner is with regard to quantification of the benefits. This having not been done by the Writ Court now the dispute with regard to quantification of pay fixation or pay revision cannot be looked into in this proceeding. If the petitioner is aggrieved by the quantification of pensionary benefits or post-retirement claims she will have the liberty to challenge the same afresh in accordance with the law but on that ground this application for initiation of a contempt proceeding is not maintainable.

Accordingly, finding no case made out for initiating contempt proceeding this application stands disposed of. However, in case the pension has not been credited to the account of the petitioner the same be now done immediately within 30 days from today.

With the aforesaid, this application stands disposed of.

(Rajendra Menon, CJ)

mrl./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	20.07.2018
Transmission Date	

