

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2438 of 2013

In

Civil Writ Jurisdiction Case No. 5937 of 2012

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Awadhesh Prasad Sharma, S/O Late Chamari Singh, Resident Of Village
Parsawan, P.S. Pankarak, District Patna.

.... Petitioner/s

Versus

1. The State Of Bihar through Rajiv Punhani, The Secretary, Department Of Social Welfare, Bihar, Patna.
2. Rajiv Punhani, The Secretary Department Of Social Welfare, Bihar, Patna.
3. Anirudh Prasad Singh, The Director Social Security Bihar, Patna, Sharam Bhawan, Bailey Road, Patna.
4. Ramashish Paswan, The Deputy Secretary/S.P.S. Department Of Social Welfare, Bihar, Patna.
5. Ruppam, The Under Secretary Claim Settlement Cell, Department Of Finance Bihar, Patna Cum Officer-In-Charge, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Arun, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN

PRASAD

ORAL ORDER

26 11-10-2018

In terms of the order passed by the learned Writ
Court, the two withheld increments with cumulative effect were



required to be paid to the petitioner. It is the stand of the opposite parties that they have already paid a sum of Rs.1,14,566/- and thereafter Rs.1,32,281/- which were the amount withheld on account of two increments with cumulative effect. Learned counsel for the petitioner however is not satisfied with the said stand of the opposite parties. It is submitted that if the withheld amount of increments associated salaries and other emoluments are properly calculated for the period between 14.12.1998 to 01.02.2012 after deducting the amount already paid to the petitioner, the differential amount could be around 12 to 13 lacks.

In course of hearing learned counsel for the petitioner submits that the opposite parties have not provided any calculation chart showing the mode and manner in which they have arrived at Rs.1,14,566/- and then Rs.1,32,281/- which have been paid to the petitioner. It is submitted that in any case the opposite parties are obliged to provide a calculation chart so that the same may be verified by the petitioner also and may be compared with the pay-slip under which payments have been made to the petitioner.

Learned counsel representing the opposite parties submits that such calculation chart shall be provided to the petitioner within a period of six weeks from today. It is however also submitted that the questions arising out of the calculation of



the amount and dispute if any in respect thereto need not gone into in this contempt jurisdiction.

Having heard learned counsel for the parties and on perusal of the records, this Court is of the considered opinion that the opposite parties are obliged to provide a complete calculation chart showing mode and manner in which the amounts paid to the petitioner have been arrived at and how that will satisfy the order of the Court with respect to the payment of withheld increments.

Let a complete calculation chart in the aforesaid respect be provided to the petitioner by 26th of November, 2018. The calculation chart must be sent to the petitioner by registered post/speed post on the address provided in the present contempt application. If the calculation chart shall not be provided within the aforesaid period, the petitioner shall be at liberty to file a fresh contempt application. In case the chart is provided as stated above, the petitioner in case find himself aggrieved with the calculation shown by the opposite parties will be at liberty to challenge the same and to seek such other relief/reliefs for which he may be entitled to in an appropriate jurisdiction.

In case for any reason, the opposite parties find that the petitioner is entitled to some more amount the same shall also be paid to the petitioner within the aforesaid period.



The application is disposed off in the aforesaid terms.

Arvind/-

(Rajeev Ranjan Prasad, J)

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