

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2445 of 2017

In

Civil Writ Jurisdiction Case No. 14584 of 2014

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Ramanand Lal, S/o Late Brahm Deolal, R/o Indrapuri, Sipara, P.S.- Beur
(Phulwari Sharif), Distt- Patna.

.... Petitioner

Versus

1. The State of Bihar Through Secretary, Department of Road Construction,
Govt. of Bihar.
2. Mr. Shyam Sundar Chaudhary, The Executive Engineer, Department of
Road Construction, Road Division, Buxar.
3. Treasury Officer, Sinchai Bhawan, Patna.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Manoj Kumar Ambastha, Advocate.

For the Opposite Parties : Mr. Raj Ballabh Prasad Yadav - AAG 11

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

7 26-09-2018 Heard learned counsel for the petitioner and learned
counsel for the opposite parties no.1 and 2.

This application has been filed by the petitioner under
Section 12 of the Contempt of Courts Act read with Article 215 of
the Constitution of India for initiation of a proceeding of contempt
of Court against the opposite parties no.1 and 2 for their willful
and deliberate violation of the order dated 18.04.2017 passed in
CWJC No. 14584 of 2012.

By the order dated 18.04.2017, CWJC No. 14584 of
2012 was allowed. The operative part of the said order reads as
under :-



“21. Accordingly, I direct respondent no. 2 the Executive Engineer, Department of Road Construction Division, Buxar to issue „No Dues Certificate” in favour of the petitioner within two weeks from the date of receipt/production of a copy of this order. I further direct the respondents to ensure that payment of the following dues to the petitioner is made within three months from the date of receipt/production of a copy of the order :-

- (i) Arrears of remaining 10 per cent pension since 01.11.1998 to 31.10.2008.
- (ii) Arrears of full pension since 01.11.2008 till date.
- (iii) Arrears of remaining 10 per cent gratuity amount.
- (iv) Entire admissible leave encashment amount.

22. Apart from the aforesaid payments, I also direct the respondents to pay a lump sum amount of Rs.1,00,000/- (Rupees one lakh) as interest over the dues amount within the aforementioned period of three months.

23. It is made clear that if the aforesaid payments are not made within the stipulated period of three months from the date of receipt/production of a copy of this order, the petitioner shall also be entitled to receive Rs.1,00,000/- (rupees one lakh) as cost from the respondent State of Bihar. In such an eventuality, the State shall be at liberty to recover the amount of cost from the officer(s)/employee(s) responsible for



causing delay in payment of the amount in accordance with law.”

Pursuant to the order dated 19.09.2018, the Principal Secretary Department of Road Construction and the Executive Engineer Department of Road Construction, Road Division, Buxar are present. A supplementary show cause has been filed on their behalf. Let the same be kept on record.

Referring to the assertions made in the show cause and the supplementary show cause filed on behalf of the opposite parties, learned counsel for the opposite parties submitted that the opposite party no.2 has already issued No Dues Certificate in favour of the petitioner vide letter no.1025 dated 04.09.2018. He contended that on the basis of No Dues Certificate the Treasury Officer has made payment of the entire arrears of pension till August, 2018 and the pension amount has already been credited in the account of the petitioner. Similarly, authority slip has also been issued for payment of arrears of remaining 10% of gratuity amount; payment of leave encashment has also been made on 31.08.2018; the bill for payment of the interest has already been sanctioned and subsequently Demand Draft No. 255998 dated 19.09.2018 has been issued in favour of the petitioner and the same has already been received by him. It is further contended that



the amount of cost awarded by the Court has also been released and credited in the account of the petitioner on 19.09.2018.

Learned counsel for the petitioner does not dispute the aforesaid contentions of the opposite parties.

Since the order dated 18.04.2017 passed CWJC No. 14584 of 2012 has already been complied with, I am of the opinion that no case for initiation of contempt proceeding against the opposite parties is made out.

Accordingly, the application is disposed of.

(Ashwani Kumar Singh, J)

Pradeep/Sneha

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