

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3337 of 2017

In
Civil Writ Jurisdiction Case No.9260 of 2017

Parmeshwar Ram S/o Late Kunti Ram, R/o Village- Private Bus Stand, Ward
No 07, P.O. P.S.- Madhubani, Distt.- Madhubani.

... .. Petitioner

Versus

1. The State of Bihar through Sri Sujata Chaturvedi the Secretary, Urban Development Housing Department, Government of Bihar, New Secretariat, Patna
2. The Nagar Parishad, Madhubani through its Sri Jata Shankar Jha, Executive Officer.
3. Sri Sri Jata Shankar Jha, The Executive Officer, Madhubani, Nagar Parishad.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar Jha

For the Opposite Party/s : Mr. Yogendra Pd. Sinha - AAG 7

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 17-07-2019 Heard learned counsel for the petitioner and
learned counsel for the State.

2. This application under Article 215 of the Constitution of India read with Section 12 of the Contempt of Courts Act has been filed by the petitioner for initiation of a contempt proceeding against the opposite party no.3 for willfully and deliberately disobeying the order dated 31.07.2017 passed by this Court in CWJC No.9260 of 2017.

3. By the aforesaid order dated 31.07.2017, the petitioner was directed to file a detailed representation regarding his claims before the Executive Officer, Nagar Parishad, Madhubani within a period of four weeks and the Executive



Officer, Nagar Parishad, Madhubani was directed to examine the claims of the petitioner and dispose of the same by a reasoned and speaking order within a period of three months. It was further directed that the admissible retiral dues shall also be paid to him within the period of three months.

4. Learned counsel for the petitioner contended that in the light of the order passed by this Court, a representation was filed by the petitioner on 16.08.2017 enclosing a copy of the order dated 31.07.2017 passed in CWJC No.9260 of 2017. However, no payment was made to the petitioner within the stipulated period of three months. He contended that the opposite party has failed to pay the retiral dues and his action amounts to willful defiance of the order passed by this Court.

5. A show-cause has been filed on behalf of opposite party nos. 2 and 3. Para-3 of the show-cause reads as under :-

“3. That it is humbly stated and submitted that the petitioner has been paid his Gratuity for a sum of Rs.3,15,645/- Provident Fund 41,957/- and Earn Leave of Rs.1,53,040/- total being Rs.5,10,642/- out of which a sum of Rs.60,000/- has been paid earlier to him and the rest amount of Rs.4,50,642/- has been paid to him vide Cheque no. 86347 dated 30.12.2017 in compliance of order dated 31.07.2017 passed in CWJC No. 9260/2017.”



6. Learned counsel appearing for opposite party, Executive Officer, Nagar Parishad, Madhubani has submitted that it is not a case of either willful or deliberate non-compliance of the order passed by this Court. The order passed by this Court has been fully complied with. The delay of few months occurred due to non-availability of fund for which the deponent has tendered unqualified and unconditional apology. He submitted that revised arrear on the basis of 5th and 6th pay revision has been allowed by the State Government recently on 27.12.2017. The payment as per revised arrears would also be considered and made soon after the fund is received from the State Government.

7. Having considered the submissions made on behalf of the parties, this Court is of the opinion that it is not a case of either deliberate or willful non-compliance of the order passed by this Court. Hence, no case for initiation of contempt proceeding is made out. The application is disposed of.

(Ashwani Kumar Singh, J)

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