

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1338 of 2014

Arising out of

Civil Writ Jurisdiction Case No.15410 of 2012

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Dadan Singh Son of Late Yadu Singh Resident of Shivpur, P.S- Ara Town And District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary cum Commissioner, S. Sidhartha Urban Development Department, Government of Bihar.
2. Sunil Kumar, The Mayor, Ara, Municipal Board, Ara.
3. Shailendra Kumar, the Executive Officer, Ara Municipal Board, Ara.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s

:

Mr. Subroteswar De, Advocate

For the Ara Municipal Corporation

:

Mr. Bishwa Bibhuti Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 08-08-2019

Heard learned counsel for the petitioner and learned counsel for the Ara Municipal Corporation (hereinafter referred to as the 'Corporation').

2. The petitioner had moved the Court alleging non-compliance of the order dated 16.10.2012 passed in CWJC No. 15410 of 2012.

3. By the said order, the Court had held that the petitioner would continue in service till 06.01.2014.

4. In terms of the order, the petitioner had filed representation before the Corporation on 22.11.2012 raising the



grievance that the salary was not paid from February, 2011 to 17.02.2012.

5. In the show cause filed on behalf of the Municipal Commissioner of the Corporation today, it transpires that the amount for the period has been calculated and comes to Rs. 150012/- which has also been paid to the petitioner by cheque dated 06.08.2019. A calculation chart with regard to the amount has also been brought on record.

6. Learned counsel for the Corporation submitted that the cheque has also been received by the petitioner today. In support of the same, he has also produced copy of the relevant extract of the chart on which there is signature of the petitioner showing that he has received the cheque for the aforesaid amount today.

7. Learned counsel for the petitioner submitted that the order is of the year 2012 and the payment has been made only today.

8. On this, learned counsel for the Corporation submitted that they had preferred LPA No. 924 of 2013 which has stood dismissed for default on 11.12.2017.

9. On a query of the Court as to even after the dismissal of the LPA why the order was not complied with when there was a



direction to pay the entire salary and emoluments to the petitioner which had fallen due, from the date of his illegal superannuation till the date of his joining, learned counsel could not give any explanation.

10. Having regard to the fact that the petitioner retired from the post of DDT Coolie, which is a very low post and without having much financial support, not being paid his dues in terms of the order of the Court for seven years and in any view after disposal of the LPA for almost over one year and eight months, the Court is inclined to award cost for the reason that an order has not only to be complied with but also complied within the time fixed by the Court.

11. Thus, not complying with the order in time is also contempt. In the present case, for such delay, as detailed above, the Court directs the Corporation to pay Rs. 20,000/- to the petitioner by way of cost. The same be paid within two weeks from today.

12. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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