

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4004 of 2016

In
Miscellaneous Jurisdiction Case No.1365 of 2015

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Mosmat Kaushalya Devi, W/o of late Jagdish Prasad Mallick, Resident of LF-3/354, Bahadurpur Housing Colony, P.S. Agamkuan, District- Patna- 800026.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Home (Police) Department, Govt. Of Bihar, Patna
2. The Principal Secretary Home (Police) Department, Govt. of Bihar, Patna presently Mr. Amir Subhani.
3. The Deputy Secretary, Home (Police) Department Govt. of Bihar, Patna, presently Mr. Durgesh Kumar Pandey
4. The Accountant General (A and E) Bihar, Patna presently Mr. S. Suresh Kumar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiw Kumar Prabhakar
For the Opposite Party/s : Dr. Anand Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

11 19-04-2019 Heard learned counsel for the parties.

Today, Dr. Anand Kumar, learned counsel for the State informs this Court that in view of his submission recorded in the order dated 12.04.2019, he has assured the payment to the petitioner, learned counsel submits that he has instruction from the Treasury Officer to say that on 17.04.2019 the total amount as per the authority slip sent by the Accountant General has been credited in the account of the petitioner.

This being the position, this contempt application is dropped.



In case the petitioner finds that the payment has not been credited in her account she will be at liberty to move this Court for appropriate order by filing an application in this case.

At this stage, Dr. Anand Kumar, learned counsel for the State has also pressed his I.A. No.3 of 2019 by which he has prayed for recall/modification of the order dated 06.03.2019 by which this Court has imposed a cost of Rs.10,000/- on the State for non-compliance of the earlier order of this Court passed on 24.01.2019. In paragraph 3, 4 and 5 of the application a statement has been made that in compliance of the order passed by this Court on 24.01.2019 process was initiated for recall of the imposition of penalty of stoppage of 50% pension against Sri Jagdish Prasad Mallick Dy.S.P., who happened to be the husband of the petitioner. The order was recalled vide Resolution No.11617 dated 17.12.2018 and an intimation in this regard was sent to the Accountant General vide Department Memo No.399 dated 14.01.2019 for taking further action in the matter of issuance of pension payment order.

Learned counsel has submitted that even prior to passing of the order by this Court on 06.03.2019 an affidavit to this effect was sworn on 06.02.2019, but unfortunately the affidavit was not brought before this Court when the matter was



heard on 06.03.2019.

Considering the explanation furnished in the I.A., this Court thinks it just and proper to recall the order of cost imposed vide order dated 06.03.2019. The order dated 06.03.2019 in so far as it directs for imposition of cost of Rs.10,000/- is hereby recalled.

The MJC as well as I.A. No.3 of 2019 are disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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