

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 2197 of 2015

Arising out of

Miscellaneous Jurisdiction Case No. 4167 of 2013

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1. Most. Suryamani Devi, Wife of Late Sadanand Jha, Retired as Cheif Statistician, Resident of Road No.26, Mohalla and P.S. Rajiv Nagar, Patna.
 2. Kameshwar Prasad Singh Son of Late Ram Swaroop Singh, Retired as Assistant Traffic Inspector, Resident of Village- Dariyapur, P.O. and P.S. Fatua, District- Patna.
 3. Murli Manohar Singh Son of Late Ramshubhag Singh Retired as Section Officer, Resident of Village- Jamunipur Charch, P.O. and P.S. Maner, District Patna.
 4. Shankar Choudhary Son of Late Anant Choudhary Retired as Chief Accounts Officer, Resident of Village- Hathisarganj, P.O. Hajipur, District- Vaishali.
 5. Ramjee Singh Son of Late Dharamdeo Singh Retired as Accounts Officer, Resident of Village and P.O.- Kundesar, District Bhojpur.
 6. Lallan Sharma Son of Late Pran Sharma Retired as Senior Conductor, Resident of Village New Yarpur, P.O.- G.P.O., P.S. Jakkanpur, District- Patna- 800001.
 7. Kishori Prasad Son of Late Lata Prasad Retired as Officiating Section Officer. Resident of Village- Kishan Colony, Anisabad, Near Satya Gas Godown, District- Patna.
 8. Yugal Kishore Prasad Son of Late Sheo Nandan Prasad Retired as Senior Selection Grade Clerk, Resident of Mohalla Jakkanpur, Chitragupt Nagar Marg, Patna- 1.
 9. Arun Kumar Verma Son of Late Gaya Prasad Retired as Senior Selection Grade Clerk, Resident of Mohalla- Shant Kumar, Post Office Lane, Chitragupta Nagar, P.S.- Kankarbagh, Patna- 800001.
 10. Ramesh Chandra Choudhary Son of Late Ram Kishan Choudhary Retired as Deputy Chief Account Officer, Resident of Village- Harigaon, P.O. Bellganj, District Gaya.
 11. Jamuna Singh Son of Late Sri Kishan Singh Retired as Senior Typist, Resident of Mohalla Chowk Sikarpur, Darutoli, Patna City, P.O. Begampur, District- Patna.
 12. Raja Ram Choudhary Son of Late Nathuni Choudhary Retired as Assistant Traffic Inspector, Resident of Village- Naubatpur, P.O.- Naubatpur, District- Patna.
 13. Surendra Prasad Son of Late Ram Chandra Prasad Retired as Senior Typist, Resident of L.I.G. 8/274, Hanuman Nagar, P.O.- Kankarbagh, District- Patna.
 14. Affred Seraphim Son of Late Purnsis Seraphin Retired as C.P.S., Resident of Mohalla- 1/18-Vivekanand Marg, Uttari Sri Krishnapuri, Boring Road, Patna.
 15. Nand Kishore Singh Son of Late Tapeswar Singh Retired as Store Keeper,



Resident of Village- Ramdauli, P.O.- Bidupur Bazar, District- Vaishali.

16. Binod Prasad Son of Late Sarjee Prasad Retired as P.A., Resident of Road No. 24, Rajiv Nagar Radha Nagar, P.O. Keshri Nagar, Patna- 24.
17. Murari Shankar Singh Son of Late Bal Bant Singh Retired as Traffic Clerk, Resident of Vilalge Jamunipur Charch, P.O. Maner, District Patna.
18. Md. Munna Son of Late Sahabuddin Retired as Driver Resident of Village- Phulwari Shariff, P.O. Phulwari, District- Patna.
19. Sheo Charan Ram Son of Late Biran Das Retired as Khalasi, Resident of Village P.O.- Rajgir, District- Nalanda.
20. Md. Habib Son of Late Farjanmie Retired as Driver, Resident of Village+P.O.+P.S.- Naubatpur, District- Patna.
21. Chandradeep Paswan Son of Late Behatar Paswan Retired as Khalasi, Resident of Village- Chhalava Pipara, P.O.- Parsa Bazar, District- Patna.
22. Sarvodeo Mishra Son of Late Sitaram Mishra Retired as Clerk, Resident of Village P.O. Nayagaon, District Chapra.
23. Hari Shankar Prasad Singh Son of Late Babu Nand Lal Singh Retired as Driver, Resident of Village Gangajal Kharika, P.O. Kharika, District- Chapra Saran.
24. Chandraketu Rai Son of Late Bhawani Rai Retired as Driver, Resident of Village- Chourasia Bathani, P.O. Govindchak, District Chapra.
25. Bhola Prasad Yadav Son of Late Ram Chandra Rai Retired as Traffic, Resident of Village Shahab Diyara, P.O. Sonpur, District- Chapra Saran.
26. Janardan Prasad Son of Late Bishwanath Prasad, Retired as Traffic Clerk, Resident of Village P.S- Parmanandpur, District- Chapra Saran.
27. Dine Dayal Mahto Son of Late Badri Mahto Retired as Driver, Resident of Village Kasamar Pahalega, P.O.- Kharika, District- Chapra.
28. Dinesh Prasad Sharma Son of Late Tribhuwan Thakur Retired as Conductor, Resident of Village- Kasamer Bazar, Pahlegaghat, P.O.- Kharika Sonapur, District- Chapra.
29. Nitya Nand Singh Son of Late Ram Dhani Singh Retired as Accountant, Resident of Village- Crorichak, Puhlawarisharif, Patna.
30. Bhagwan Lall Son of Late Ramasrai Lal Retired as Store-Cum-Workshop Clerk, Resident of C/O Arun Kumar Vijayee, Resident of Village- Garbhuchak, Jagdeo Path, P.O. B.V. College, District- Patna.
31. Kapil Muni Sharma Son of Late Mukhlal Sharma Retired as Helper, Resident of Village P.O.- Gorakhari, District- Patna.
32. Shatrughan Mahto Son of Late Shiv Lal Mahto Retired as Khalasi, Resident of Village- Ishamilpur, P.O.- Gobindchak, District- Chapra.
33. Omkar Sharma Son of Late Naga Prasad Retired as Works Manager, Workshop, Resident of Cirayantand Bridge, Near Karuna Medical Hall, Kankarbagh Road, Patna- 20.
34. Shushil Kumar Duwedi Son of Late Pt. Ramdas Duwedi Retired as Traffic Clerk, Resident of Village and P.O. and P.S. Guthani, District- Siwan.
35. Lal Babu Choudhary Son of Late Saukhi Choudhary Retired as Junior



Foreman, Resident of Village- Khajpura, P.O.- B.V. College, Patna- 14.

36. Gauri Shankar Paswan Son of Ram Dash Ram Retired as Office Superintendent, Resident of Village- Ghogherdiha, P.O.- Srikhinda, District- Rohtas.
37. Sudarshan Tiwary Son of Late Ram Nath Tiwary Retired as Conductor, Resident of Village- Ashok Nagar, Road No. 14A, House No. 30, R.M.S. Colony, District- Patna.
38. Braj Nandan Singh Son of Late Rajendra Prasad Singh Retired as Store Keeper, Resident of Mohalla- 4/128, L.I.G., Hanuman Nagar, Patna- 20.
39. Most. Subhagia Devi wife of Late Ram Bilash Rai Retired as Khalasi, Resident of Village Chotatepa, P.O. Chapra Town, District Chapra.
40. Ranjana Devi Wife of Late Maya Shankar Maharaj Retired as Conductor, Resident of Village P.O.- Kharika, District- Chapra Saran.
41. Dina Nath Bhagat Son of Late Ram Swaroop Bhagat Retired as Conductor, Resident of Village- Kasumar, Pahlejaghat, P.O. Charika, District- Chapra.
42. Rajkumari Devi Wife of Late Ganesh Mahto, Retired as Driver, Resident of Village Sultanpur, P.O. Govind Chak, Via- Sonapur, District- Chapra.
43. Kamla Kant Tiwary Son of Late Kashi Naresh Tiwary Retired as Conductor, Resident of Village- Ukena, P.O.- Maherouna, District- Deowaria.
44. Keshori Tiwary Son of Late Ram Sewak Tiwary Retired as Conductor, Resident of Village- Kasamera, P.O. Kharika, District- Chapra.
45. Satya Narain Prasad Bhagat Son of Late Surya Narain Bhagat Retired as Mec. A/C/o Baiju Yadav, Resident of Village- Sona Churisingar, Machhua Toli Patna-4.
46. Mathura Prasad Son of Late Gurucharan Prasad Retired as Art C resident of Village- Raja Bazar, Chaudhary Tola, P.O. B.V. College, Patna-14.
47. Surya Bhushan Prasad Son of Late Jagdambi Lal Sahay Retired as Audit Officer, Resident of Ashok Nagar, Road No. 8, Devendra Lane, Kankarbagh, Patna- 20.
48. Upendra Prasad Singh Son of Late Ram Jatan Singh Retired as Conductor, Resident of Village- Sahpur, P.O.- Sanapur, District- Chapra.
49. Laxman Das Son of Late Rameshwar Das Retired as Store-Cum-Workshop Clerk, Resident of Village, P.O.- Sain, District- Vaishali.
50. Jangbahadur Bidyarthi Son of Late Chandu Prasad Retired as Conductor, Resident of Village P.O. Raja Rampur, District- Muzaffarpur.
51. Most Laiti Devi Wife of Late Mathura Saran Singh Retired as Art C, Resident of Village- Raja Bazar, Choudhary Tola, P.O. B.V.College, Patna- 14.
52. Most Subhadra Devi Wife of Late Yugal Kishore Singh Retired as Time Keeper, Resident of Village Dariyapur, P.O. Yatwa, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Sri Shashi Shekhar Sharma Principal Secretary



Transport Department, Bihar Patna.

2. Sri Arbind Kumar Choudhary, Administrator, Bihar State Road Transport Corporation, Pariwahan Bhawan Birchand Patel Marg, Patna.
3. Sri Sunil Kumar Sinha, Financial Advisor and Chief Accounts Officer, Bihar State Road Transport Corporation Pariwahan Bhawan Birchand Patel Marg, Patna.
4. Dinesh Kumar Singh, Son of Late Nand Lal Singh Retired as Senior Conductor, Resident of C/O Ram Pukar Singh, Principal, D.N.M. School, Bank Road, P.O. G.P.O., Muzaffarpur.
5. Chandeshwar Singh Son of Late Ganga Singh Retired as Mec., Resident of Village Chhetrouli, P.O. Kamala Gopalpur, District- Patna.
6. Kapilesh Prasad Singh Son of Late Sukhdeo Singh Retired as Junior Store Keeper, Resident of Village- Parbodhi Narendra, P.O.- Sarai, District- Vaishali.
7. Banarasi Prasad Sah Son of Late Hajari Prasad Sah Retired as Art C, Resident of Village +P.O. Nayagaon, District Chapra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. R. K. Verma, Senior Advocate Ms. Meeta Sinha, Advocate
For the BSRTC	:	Mr. Prabhat Kumar Verma, Sr. Advocate Mr. Saroj Kumar Sharma, Advocate

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 02-07-2019

Heard learned counsel for the petitioners and learned counsel for the Bihar State Road Transport Corporation (hereinafter referred to as the 'Corporation'). Nobody appears on behalf of the State.

2. The petitioners have moved the Court alleging non-compliance of the order dated 22.10.2014 passed in MJC No. 4167 of 2013.



3. The order required the Corporation to make payment of interest in respect of delayed payment of CPF accumulation on compound interest basis. The operative portion reads as under:

“Today, a show cause has been filed along with Annexure-1, the order issued on 20.10.2014 by the Administrator, BSRTC, which has been communicated to all concerned authorities under Memo No.4363 of the same day. This is office order no.355 dated 20.10.2014. In this office order, he has accepted the finding of this Court that interest on the unpaid accumulations of CPF had to be calculated on basis of compound interest as done in the case of CPF itself. He has, accordingly, directed for payment of interest in respect of delayed payment of CPF accumulations on compound interest basis. The true import of this office order is that where the accumulated CPF became due and payable to a retired employee on a particular date but it was paid thereafter then for this period of delay the interest would be calculated on compounding basis. Thus, the Administrator has effectively by his said office order purged the contempt. No question of punishment would thus arise. However, it is directed that the interest calculation aforesaid in respect of the 56 employees/writ petitioners in question and its full payment and final settlement in respect of all would be done within a period of six weeks from today. All the aforesaid persons must also be individually intimated at their last known address about their entitlements. The responsibility of compliance of this Court’s order would be on the Administrator of the BSRTC.”

4. Learned counsel for the petitioners submitted that though payments of CPF had been made to the petitioners but the same was delayed by more than a decade and accordingly, they are entitled to payment of interest till the date of actual payment.



However, learned counsel tried to persuade the Court to interpret the order to mean that the interest would be payable till the date such interest was actually paid to the petitioners.

5. Learned counsel for the Corporation submitted that interest for the period from which the CPF amount became due i.e., the superannuation of petitioners, till the date the basic amount was paid to the petitioners, has been calculated and even if there has been a delay of a few months in making payment of such interest for the period when it became due and when the actual payment was made of the basic CPF amount, the Corporation has already discharged its liability by paying the amount to the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the considered opinion of the Court, the order dated 22.10.2014 in MJC No. 4167 of 2013, only required that for the period from when the petitioners superannuated till the time they were paid the CPF amount, to be counted for payment of interest. There was no direction that if such payment of interest was also delayed, the interest would carry till the date of actual payment of the interest amount, i.e., interest on interest.



7. As the Court is sitting in contempt jurisdiction, it cannot go beyond the order of which there is alleged violation. Thus, in the present case, the Court finds that the payment made by the Corporation is in terms of the order dated 22.10.2014 in MJC No. 4167 of 2013.

8. Accordingly, the application stands disposed off.

9. The Court would only observe that it has not considered with regard to the claim of the petitioners, that even for the delay in payment of such interest, for the period of delay, further interest is payable, which is a separate cause of action and cannot be stretched to be included in the direction of the Court in MJC No. 4167 of 2013.

(Ahsanuddin Amanullah, J.)

P. Kumar

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