

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3433 of 2015

Baidnath Sharma, son of Late Ram Bharos, resident of F-402, Sumit Chandram Griham, Ramnagri Road, Patna, District-Patna, Town-Patna.

... .. Petitioner/Petitioner.

Versus

1.The Union of India through Arun Kumar Mittal, General Manager, Eastern Railways, Hajipur.

2. Aman Raj, Workshop Manager, East Central Railway, Samastipur.

..... Opposite Party No.1/Respondent No.5 of the Writ.

3.Sudhanshu Sharma, the Senior Divisional Railway Manager, East Central Railway, Samastipur.

..... Opposite Party No.1/Respondent No.7 of the writ.

... .. Opposite Parties.

Appearance :

For the Petitioner : Mr. Ravi Shankar Ganguli, Advocate.

For the Opposite Parties : Mr. Mahesh Prasad, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

and

HONOURABLE MR. JUSTICE VINOD KUMAR SINHA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA)

Date : 30-01-2019

Heard.

2. This application has been filed on behalf of the petitioner for initiating the contempt proceeding against the opposite parties for non compliance of the direction of this Court given under order dated 30.04.2015 passed in C.W.J.C. No.9471 of 2014.

3. Learned counsel appearing for the petitioner submits that, in fact, the pension of the father of the petitioner was to be fixed in the pay-scale of Rs.1400-2300/- but in spite



of the direction of this Court made under order dated 30.04.2015 in C.W.J.C. No.9471 of 2014, the opposite party no.2 has again fixed the pension of the father of the petitioner in the pay-scale of Rs.1320-2040/-.

4. From perusal of the order dated 30.04.2015 passed in C.W.J.C. No.9471 of 2014 by this Court, it is apparent that C.W.J.C. No.9471 of 2014 filed by the mother of the petitioner was dismissed, finding no merit. However, direction was given to the Railways to examine the matter and if the pay-scale of Rs.1320-2040/- and the pension commensurated to that regard is not being paid or has not been paid, it shall be the duty of the Divisional Railway Manager, E.C., Samastipur, to ensure that within a period of four months and the same along with arrears be paid to the petitioner.

5. Annexure-1 to this application shows that on scrutinizing, the respondent no.2 find that the father of the petitioner was given pay-scale of Rs.1320-2040/- with effect from 01.01.1986 and, accordingly, the pension of the father of the petitioner was fixed on the basis of that pay-scale.

6. We find that the matter of the father of the petitioner has already been disposed of by the competent authority in the light of the direction given under order dated



30.04.2015 passed in C.W.J.C. No.9471 of 2014 by this Court.

Apart from this, no any reason has been shown in the present application on which basis the show cause notice could be issued to the opposite parties.

7. Accordingly, this application stands dismissed.

(Rajendra Kumar Mishra, J)

(Vinod Kumar Sinha, J)

Pradeep Srivastava/-
A.B. Bhardwaj/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.01.2019.
Transmission Date	NA

