

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1819 of 2015

In
Letters Patent Appeal No.1031 of 2013

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Nagendra Pathak S/o - Lakhan Pathak, resident of Village Barpathak Bigha,
P.S. - Sherghati, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Anjani Kumar Singh, Govt. of Bihar, Patna.
2. Mr. Amir Subhani, the Principal Secretary, General Administration Department, Govt. of Bihar, Patna
3. Mr. A.K. Thakre, the Joint Secretary, General Administration, Govt. of Bihar, Patna.
4. Mr. Rameshwar Singh, the Principal Secretary, Finance Department, Govt. of Bihar, Patna.
5. Mr. Sanjay Kumar, The Accountant General, Govt. of Bihar, Patna.
6. Sri R. Lakshman, The Additional Secretary, General Administration Department, Govt. of Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Advocate. Mr. Rajendra Prasad
For the Opposite Party/s	:	Mr. Raghwanand, GA-XI. Mr. Prabhat Kumar, AC to GA-XI.
For the Accountant Gen.:	:	Mr. Raj Nandan Prasad, Advocate.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 28-11-2019

Heard learned counsel for the petitioner and learned
counsel for the opposite parties.

Before us, it is not in dispute that the petitioner is entitled
to the emoluments in accordance with law. There is no dispute
with regard to the entitlement; the quantification of the amount
and the obligation of the State to disburse the amount to the



same more so expeditiously. The petitioner's rights stood crystalised way back on 08.05.2014 with passing of the judgment by this Court in L.P.A. No. 1031 of 2013, titled as **Nagendra Pathak vs. The State of Bihar & Ors.**, which stands affirmed by the Hon'ble Apex Court with the dismissal of the Special Leave Petition so filed by the State. It is seen that petitioner had also approached the Principal Secretary for release of monetary benefits, regretfully the same has not been done till date.

In the instant petition so filed under Article 215 of the Constitution of India and Sections 11 and 12 of the Contempt of Courts Act, the petitioner has highlighted the apathy and willful disobedience on the part of the respondents in not complying with the directions contained in the judgment rendered in **Nagendra Pathak** (supra). We have no doubt that with the dismissal of the Special Leave Petition, the respondents were duty bound to release the amount.

Be that as it may, we direct the Principal Secretary, General and Administrative Department, Government of Bihar to forthwith, and not later on two weeks from today, release the monetary benefits in terms of the judgment rendered in **Nagendra Pathak** (supra), failing which the benefit of interest



payable to the petitioner, under the Statute, shall be personally deducted from the salary of the erring officials.

At this stage, we refrain from passing any further orders against each one of the respondents named herein, who are all Government officers and officials, and dispose of the petition reserving liberty to the petitioner to revive the same, if need so arises.

Mr. Prabhat Kumar, learned counsel for the State, undertakes to communicate the order to each one of the respondents herein as also the present incumbent of the post of the Principal Secretary, General Administrative Department, Government of Bihar, by all modes i.e., email, telephone and registry with A/D.

Mr. Raj Nandan Prasad, learned counsel, states that his client i.e., Accountant General, Government of Bihar, Patna shall take all steps for releasing the amount in accordance with law.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

