

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2932 of 2017

In
Civil Writ Jurisdiction Case No.19303 of 2016

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Mohammad son of Late Mussa @ Md. Musa, resident of Village- Ward 23,
Raghnagar Bhowara, P.O.- Madhubani, P.S.- Town, Madhubani, District-
Madhubani.

... .. Petitioner

Versus

1. The State Of Bihar Through Sri Chaitanya Prasad, S/o not known the
Secretary Urban Development Housing Department, Government of Bihar,
New Secretariat, Patna
2. Shri Jatashankar Jha, S/o not known the Executive Officer, through the
Nagar Parishad, Madhubani.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar Jha
For the Opposite Party/s : Mr.Yogendra Prasad Sinha - Aag 7

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 17-07-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This application under Section 12 of the Contempt of
Courts Act read with Article 215 of the Constitution of India has
been filed by the petitioner for initiation of the contempt
proceeding against opposite parties for their willful disobedience
of the order dated 03.07.2017 passed in CWJC No.19303 of 2016.

3. By the aforesaid order dated 03.07.2017, the
petitioner was directed to file a representation before the Executive
Officer, Nagar Parishad, Madhubani within a period of four
weeks raising all his claims and the Executive Officer, Nagar



Parishad, Madhubani was directed to consider and dispose of the same by a reasoned order within a period of eight weeks. It was further directed that in case the claims of the petitioner were found admissible, payment should also be made within the aforesaid period of eight weeks.

4. Learned counsel for the petitioner contended that in the light of the order passed by this Court, a representation was filed by the petitioner on 07.07.2017 enclosing a copy of the order dated 03.07.2017 passed in CWJC No. 19303 of 2016. However, no payment was made to the petitioner within the stipulated period of eight weeks. He contended that the opposite parties have failed to pay the retiral dues and their action amounts to willful defiance of the order passed by this Court.

5. A show-cause has been filed on behalf of opposite party nos. 2 and 3. Para-3 of the show-cause reads as under :-

“3. That it is humbly stated and submitted that the father of the petitioner has been paid part of retiral dues and the rest amount of Provident Fund of Rs.29,803/- and Gratuity Rs.3,43,430/- and Earn Leave of Rs.2,12,772/- Total being Rs. 5,86,005/- 14out of which 65,000/- has been paid to him earlier and rest amount of Rs.5,21,005/- along with Arrear salary for the period May’ 2011 to August’ 2014 being Rs.5,97,322/- total being Rs.11,18,327/- has been to him vide Joint Cheque



No. A863474 dated 30.12.2017 in compliance with order dated 03.07.2017 passed in CWJC No. 19303/2016.”

6. Learned counsel appearing for opposite party, Executive Officer, Nagar Parishad, Madhubani has submitted that it is not a case of either willful or deliberate non-compliance of the order passed by this Court. The order passed by this Court has been fully complied with. The delay of few months occurred due to non-availability of fund for which the deponent has tendered unqualified and unconditional apology. He submitted that revised arrear on the basis of 5th and 6th pay revision has been allowed by the State Government recently on 27.12.2017. The payment as per revised arrears would also be considered and made soon after the fund is received from the State Government.

7. Having considered the submissions made on behalf of the parties, this Court is of the opinion that it is not a case of either deliberate or willful non-compliance of the order passed by this Court. Hence, no case for initiation of contempt proceeding is made out. The application is disposed of.

(Ashwani Kumar Singh, J)

Pradeep/-

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