

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1472 of 2017

In
Civil Writ Jurisdiction Case No.18642 of 2016

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Ramawatar Ram, S/o Late Phaguni Ram, aged about 60 years, resident of
Village - Ambedkar Nagar, Ward No.- 26 Bhawara, P.O.- Bhawara, P.S.-
Madhubani, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Namely Chaitanya Prasad the Secretary Urban Development Housing Department.
2. The Nagar Parishad Madhubani through its Executive Officer, Namely Sri Jatashankar Jha.
3. The Executive Officer, Nagar Parishad, Madhubani, Namely Shri Jatashankar Jha.

... .. 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 24-04-2019 Heard learned counsel for the petitioner and learned
counsel for the Nagar Parishad, Madhubani.

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 a contempt
proceeding against the contemnor-opposite parties for their
disobedience of the order dated 17.01.2017 passed by this Court
in CWJC No. 18642 of 2016. By the aforesaid order dated
17.01.2017, the respondent no.3 was directed to examine the
case of the petitioner and pay him all the admitted post-retiral



dues within three months from the date of receipt/production of a copy of the order.

A show cause has been filed on behalf of the respondent no. 2 and 3. Para 3 of the said show cause reads as under:-

“3. That it is humbly stated and submitted that the petitioner has been paid part of his Retiral dues earlier and the rest amount of Provident Fund of Rs.35,918/- and Gratuity Rs.2,80,350/- and Earned leave of Rs.1,57,680/- Total being Rs. 4,73,948/- has been paid to him vide Joint Cheque No. A 863461 dated 30.12.2017 along with ten other employee as per admissible dues payable to the petitioner at present which has been credited in his Bank Account No. 108135.”

Learned counsel appearing for the petitioner submitted that the opposite party no.3 did not pay all his post-retiral dues and only part payment has been made. He contended that the claim of the petitioner for payment of revised arrear on the basis of 5th and 6th pay revision was under consideration before the State Government and the same has already been allowed, yet the arrear on the basis of 5th and 6th pay revision has not been paid to the petitioner so far.



In reply, learned counsel appearing for the opposite party nos. 2 and 3 submitted that the entire admitted dues in terms of the order passed by this Court on 17.01.2017 has already been paid. The revised arrear on the basis of 5th and 6th pay revision was allowed by the State Government recently on 27.12.2018. The payment as per the revised arrear is also being considered and the petitioner will be paid his dues payable as per 5th and 6th pay revision soon after the fund is received from the State Government.

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

However, the respondent no.3 shall make endeavour to make payment of the rest of the dues as per revised arrear expeditiously.

(Ashwani Kumar Singh, J)

Pradeep/sneha

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