

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1729 of 2017

In
Letters Patent Appeal No.51 of 2013

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Chandeshwar Rai Son of Late Bhola Rai, resident of Village- Sirsi, P.S.-
Nanpur, District- Sitamarhi, former Head Clerk of P.H.E.D., Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sri Dineshwar Prasad Singh, Engineer-in- Chief-cum- Special Secretary,
P.H.E. Department, New Secre
3. Sri Raghavji Ram, the Chief Engineer Mechanical P.H.E. Department, New
Secretariat, Vishwashraiya
4. Sri Raman Ji Jha, the Superintending Engineer, P.H.E.D. Circle, Rahamganj
Chowk, Darbhanga, Distric
5. Sri Abhay Kumar, the Teasury Officer, Sitamarhi. null null

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr.S. Raza Ahmad - Aag 5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 19-12-2019

The petitioner has prayed for the following relief:

“For initiation of the contempt proceeding
against the opposite parties for their willful and
deliberate violation of the order and the
judgment dated 03.03.2016 passed in LPA No.
51/2013 arising out of CWJC NO. 9924 of
2012 by this Court and for punishing them
appropriately.

Despite repeated calls, none has appeared on behalf of



the petitioner.

Learned counsel for the opposite parties states that the direction, as contained in judgment dated 03.03.2016 passed in LPA No. 51 of 2013, titled as The State of Bihar & Ors. vs. Chandeshwar Rai, which is reproduced hereunder, stands complied with:

“The State is in appeal against an order dated 16th of July, 2012 passed by learned Single Judge of this Court whereby there was a direction issued for fixation of pension in accordance with law.

2 The respondent was to superannuate on 31st of July, 2004 as is admitted before the learned Single Judge but he continued in service till 17th of July, 2009. The respondent herein was retired with retrospective effect though he has been paid salary upto the month of June, 2009.

3. Once the age of superannuation is fixed under the Rules, any act of continuation of an employment beyond superannuation is unauthorized but since, admittedly, the respondent has worked after 31st of July, 2004 till 17th of July, 2009, he is entitled to pay and allowances in view of the work performed but retiral benefits have to be paid as was his salary on 31st of July, 2004.

4 Therefore, the present Letters Patent Appeal is disposed of directing the State to calculate and pay all retiral benefits as are



payable to the respondent as on 31st of July, 2004. If any retiral benefits have not been paid, the same shall be calculated and paid to the respondent within next three months from today.”

As such, the present petition is disposed of reserving liberty to the petitioner to take recourse to such remedies, as are available, in accordance with law.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

sujit/-

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