

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1860 of 2017

In
Civil Writ Jurisdiction Case No.15951 of 2016

=====

Shambhu Sharan Sharma Son of Late Adya Prasad Singh resident of Village-
Manjhaul, P.S.- Cheriya Bariyarpur, District- Begusarai, retired as Re-
designated Demonstrator of R.C.S. College, Manjhaul, Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sri R.K. Mahajan, presently posted as Principal Secretary, Education
Department, Govt. of Bihar, Patna
3. Dr. Saket Kushwaha, presently posted as Vice-Chancellor, L.N.Mithila
University, Darbhanga.
4. Sri Ajit Kumar Singh, presently posted as Registrar, L.N.Mithila University,
Darbhanga.
5. Sri Anil Kumar Chaubey, presently posted as Finance Officer, L.N.Mithila
University, Darbhanga.
6. Dr. Ram Awadhesh Singh, presently posted as Principal R.C.S. College
Manjhaul, District- Begusarai.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Singh
For the Opposite Party/s : Mr.Ashutosh Ranjan Pandey - Aag 15

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 24-04-2019 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 contempt proceeding

against the opposite parties for non-compliance of the order

dated 03.02.2017 passed in CWJC No. 15951 of 2016.

In the aforesaid writ petition the petitioner had made a

prayer for directing the respondents to fix the pension of the

petitioner in the pay scale of 9300-34800/- with grade pay of Rs.



4200/- and pay following dues:

- (i) Difference of pension for the period of 01.08.2009 to till date.
- (ii) Difference of gratuity at enhanced rate i.e upper limit of Rs. 10,00,000/-
- (iii) Sanction of earned leave of 300 days and payment of difference.

The said writ petition was disposed of vide order dated 03.02.2017 observing as under:-

“What appears from the counter affidavit filed on behalf of the University is that though part payments were made to the petitioner after his retirement under different heads, the full and final payment of retiral dues were not paid to him. He was not paid even salary for certain period. The inordinate and unexplained delay of seven years in payment of admitted dues to the petitioner is highly illegal and arbitrary.

Considering the facts and circumstances of the case, I direct the respondents-University to pay all the admitted dues to the petitioner within eight weeks from the date of receipt/production of a copy of the order, failing which the petitioner would be entitled to receive interest at the rate of 8% per annum from the



date the amount became due till the date of its actual payment.”

Thus, it would be manifest that there was a direction to the University to pay all admitted dues as claim by the petitioner in the writ petition.

Learned counsel for the petitioner submitted that though the difference of pension, difference of gratuity at enhanced rate and difference of earned leave was paid within time, an amount to the tune of Rs. 4,89,032/- under the head difference of salary was paid to the petitioner after expiry of eight weeks. He contended that in obedience to the order passed by this Court the petitioner had furnished a copy of the order to the opposite parties on 10.04.2017. Hence, there is delay of about two months in payment of difference of arrears of salary. Since the opposite parties have taken more than eight weeks as directed by this Court vide its order dated 03.02.2017 passed in CWJC No. 15951 of 2016, the petitioner is entitled to receive interest at the rate of 8 per cent per annum from the date the amount of difference of salary became due till the date of its actual payment. However, the interest, as directed by this Court, has not been paid by the opposite parties. A plea has been taken by the petitioner that the admitted dues has not been paid taking



into consideration ACP and MACP granted to the petitioner. He has submitted that though the petitioner has been granted ACP and MACP, the calculation has not been made by the University taking into consideration the revised scale granted to the petitioner.

In reply, learned counsel appearing for the opposite parties submitted that the prayer of the petitioner in the writ petition was confined to difference of pension, difference of gratuity at enhanced rate and difference of earned leave and all these payments were made to the petitioner within the stipulated period of eight weeks. As far as the difference of salary is concerned, the same has already been paid to the petitioner. It is true that there is some delay in payment of difference of salary, but that in itself would not amount to disobedience of the order passed by this Court. The relief, which was not prayed for by the petitioner, cannot be the subject matter of initiation of contempt proceeding. He has further contended that the submission of the petitioner that calculation has not been made taking into consideration the ACP and MSCP granted to the petitioner, the same may give him a fresh cause of action, but the same cannot be a ground for initiation of contempt proceeding.



Having heard the parties, I am of the opinion that no case for initiation of contempt proceeding is made out as the order passed by this Court has substantially been complied with. The application is dismissed.

(Ashwani Kumar Singh, J)

pradeep/sneha

U			
---	--	--	--

