

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2727 of 2017

In
Civil Writ Jurisdiction Case No.19469 of 2015

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Md. Shamsul Haque Ansari Son of Late Md. Safi Ansari, resident of Village-
Howa Toli, Post- Pirpainti, Police Station- Pirpainti, District- Bhagalpur.

... .. Petitioner

Versus

1. The State Of Bihar Through The Principal Secretary Human Resources Development Department, Bihar, Patna
2. The Director, Secondary Education, Bihar, Patna Mr. Rajiv Ranjan Prasad
3. The Accountant General, Bihar, Patna Mr. Arun Kumar Singh
4. The District Programme Officer, Bhagalpur Mr. Phul Babu Chaudhary
5. The District Education Officer, Bhagalpur Mr. Chandra Mohan Mishra.
6. The Treasury Officer, Bhagalpur Mr. Manish Kumar.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Pravina Kumari, Adv.
For the State : Mr. Ashutosh Ranjan Pandey AAG – 15
For the Accountant General : Mr. Raj Nandan Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 04-09-2019 Heard learned counsel for the petitioner, learned

counsel for the State and learned counsel for the Accountant

General, Bihar, Patna.

This application under Sections 11 and 12 of the
Contempt of Courts Act read with Section 215 of the
Constitution of India has been filed by the petitioner for
initiating a contempt proceeding against the opposite party no.2
for violating the direction of this Court dated 08.03.2017 passed
in CWJC No. 19469 of 2015. By the aforesaid order dated
08.03.2017, this Court had directed the petitioner to file a



representation before the Director, Secondary Education, Bihar, Patna raising his claim within a period of four weeks along with a copy of the order and in case of filing of such a representation, the Director, Secondary Education was required to examine the claim and in case of the claim of the petitioner being found admissible, he was required to issue necessary order directing the competent authority to make payment of admissible amount to the petitioner without any delay.

A show cause has been filed on behalf of the opposite party no.3 wherein it is stated that the District Programme Officer, Bhagalpur has sent service book and sanction order in respect of the petitioner. On scrutiny of service book it was found that the pay fixation was not approved by the District Accounts Officer, Bhagalpur. Thus, his service book was sent back in original for approval of pay fixation by the District Accounts Officer on 11.12.2018. Thereafter, the respondent no.3 again received the sanction order and service book vide letter no.562 dated 12.07.2019 from the District Programme Officer, Bhagalpur. On receipt of sanction, an authority of revised pension and death-cum-retirement benefits granted in favour of the petitioner has already been issued on 30.08.2019.

Learned counsel appearing for the opposite party no.3



submitted that a copy of the authority slip has also been sent to the petitioner and now there would be no difficulty in payment of the admissible due amount to the petitioner.

Learned counsel for the State also submitted that once authority slip has been issued in favour of the petitioner, the amount shall be immediately paid to the petitioner.

In view of the stand taken by the opposite parties, no case for initiation of contempt proceeding is made out. The application is disposed of.

However, it would be open to the petitioner to approach this Court again in case payment of the admissible amount is not transferred to his account within a reasonable period.

(Ashwani Kumar Singh, J)

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