

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3700 of 2016

In
Civil Writ Jurisdiction Case No.22686 of 2013

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Suresh Prasad Son of Late Shukar Mahto, Resident of Village- Sahebganj Chouunki, Nasratkhani Road Masjid Road, Post Office- Champangar, Police Station- University (Under Kotwali), District- Bhagalpur.

... .. Petitioner/s

Versus

1. The Tilka Manjhi Bhagalpur University, Bhagalpur through the Vice Chancellor, T. M. Bhagalpur University, Bhagalpur.
2. Sri Ramashankar Dubey, Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur.
3. Sri Ashutosh Prasad, Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.
4. Sri P.C. Sinha, Finance Officer, Tilka Manjhi Bhagalpur University, Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ajit Kumar, Adv.
For the University	:	Mr.Subodh Kumar Jha, Adv. Mr. Pranav Kumar Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

11 19-02-2020 Heard both sides.

Petitioner has filed this petition for initiation of a contempt proceeding against the opposite parties for willfully disobeying and discarding the order dated 04.12.2014 passed by a Bench of this court in CWJC No.22686 of 2013.

2. By order dated 04.12.2014 this court directed as follows:-

“The University authorities are now directed to settle the post retiral dues of the petitioner, if not already done on the basis of the order passed today, because no other controversy is required



to be raised on the issue as to when the petitioner should retire.”

The University in pursuance of the said order passed order for payment of retiral benefits and fixation of pension.

3. Learned counsel for the petitioner submits that by order no.10 dated 14.11.2019 this Court directed the petitioner to appear before the Registrar of the University on 19th November, 2019 at 11:00 AM in his official chamber. Upon doing so, the Registrar shall ensure that all relevant records with the University in connection with the petitioner's service is brought into his chamber along with the persons who are able to understand the records and can assist the Registrar. The petitioner after going through all the records of the University and what he has with himself, may either give copies of the documents available with him to the University or may bring it to their notice by filing a proper representation enclosing legible copies of all such documents. The same be done within the next two days. Upon doing so, the Registrar shall depute competent person(s) to sit with the petitioner to work out the actual calculation based on the records of the University and what may be supplied by the petitioner, under each head, relating to his entitlement. The exercise be completed within the next five working days.



4. Learned counsel for the petitioner further submits that the petitioner appeared before the Registrar but no exercise was made. The University passed the order but no order has been communicated to the petitioner fixing the pension of the petitioner.

5. From perusal of para 5 of the 2nd supplementary show-cause filed on behalf of opposite party nos.1 to 4, it appears that the University fixed the pension of the petitioner at Rs.10,833/- and the arrears of difference of pension to the tune of Rs.5,59,285/- was paid to the petitioner.

6. Learned counsel for the University submits that the pension of the petitioner has already been fixed subject to the verification made by the Pay Verification Committee.

7. Having considered the facts, I find that the petitioner filed this contempt petition for disobeying and discarding the order dated 04.12.2014 by which this court directed the University to settle the post retiral dues of the petitioner after fixing the date of his superannuation on 28.02.2013. The retiral benefits have already been paid. The pension of the petitioner has also been fixed subject to the verification made by the Pay Verification Committee. Therefore, I find that the University has already complied the order dated



04.12.2014 passed in CWJC No.22686 of 2013. The calculation and fixation of pension is beyond the purview of this contempt petition. If the petitioner is at all aggrieved by the fixation of pension and non-payment of retiral benefits, the petitioner may file a fresh writ petition. In this view of the fact, I do not find any merit in this contempt petition. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

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