

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1505 of 2017

In
Civil Writ Jurisdiction Case No.10016 of 2007

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Muzaffarul Bari Ansari, Son of Late Hakim Abdullah, resident of village -
Kadam, P.S. - Kishanganj, District - Kishanganj.

... .. Petitioner/s

Versus

1. Sri Anjani Kumar Singh, the State of Bihar, through Chief Secretary, Main Secretariat, Patna.
2. Vandana Kinni, The Commissioner and Secretary, Department of Social Welfare, (previously known as Welfare Department), Government of Bihar, Main Secretariat, Patna.
3. Sri Rama Shankar Prasad Daftuar, the Director, Directorate of I.C.D.S. Indira Bhawan 2nd Floor, Boring Road, Patna.
4. Sri Ravi Mittal, the Commissioner and Secretary, Department of Finance, Government of Bihar, New Secretariat, Patna.
5. Sri Dharmendra Singh Rangwar, the Secretary, Department of Personnel and Administrative Reforms, Government of Bihar.
6. Md. Taraque, the Incharge Officer, Establishment Directorate of I.C.D.S. Indira Bhawan, Bihar, Patna.
7. Mithilesh Kr., the District Magistrate, Katihar.
8. Pawan Kumar Mishra, the District Programme Officer, Child Development Project Officer, Katihar.
9. Sabanam Sila, the Child Development Project Officer, Korha, District - Katihar.
10. Sanjay Ojha, Managing Director, Bihar State Construction Corporation Limited, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner : Md. Aslam Ansari, Advocate
For the State : Mr. Mritunjay Kumar, A.C. to A.A.G.6

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

10 20-02-2020 Heard both sides.

The petitioner filed this contempt petition for
initiation of a contempt proceeding against the opposite parties
for disobeying and disregarding the judgment and order dated



06.04.2011, passed by this Court in CWJC No.10016 of 2007.

The order dated 06.04.2011, passed in CWJC No.10016 of 2007 is as follows:

“I find that all petitioners who are members of Petitioner No. 1 “Association” as well as other petitioners, stands on similar footing as appellants of the LPA No. 608 of 2006 and its analogous appeals, as such entitled for similar relief. Accordingly, the Respondent Nos. 2, 3, 4 and 5 are directed to pass necessary order of absorption of all these petitioners. None of the petitioners shall be repatriated to those defunct Boards, Corporations, Public Sector Undertakings / Enterprises, which were their parent Department. Petitioners will be allowed to superannuate from the posts, they are working. They will be paid their salary, pensionary benefits, remaining on the same post.”

Learned counsel for the petitioner submits that the petitioner was working in Integrated Child Development Scheme as Accounts Clerk but petitioner superannuated in the year 2008. The Association filed CWJC No.10016 of 2007 and this Court directed the respondent to firstly absorb all those petitioners working on deputation in different departments and they had come from different defunct Boards, Corporations, Public Sector Undertakings/Enterprises. They were allowed to



be superannuated from the post, they are working and there was further direction that such employees shall be paid their salary, pensionary benefits, remaining on the same post. It is submitted that the petitioner filed CWJC No.5807 of 2016 for a direction to the respondent to accord the same benefits and pay the retiral benefits including the pension to the petitioner in view of the direction given by this Court in CWJC No.10016 of 2007, but a Bench of this Court by order dated 10.04.2017 dismissed the writ petition of the petitioner with observation that if the petitioner is aggrieved due to non-compliance of the order passed by the writ court in CWJC No.10016 of 2007, the remedy lies in filing a contempt application, but not another writ application and, therefore, the petitioner filed this contempt petition. It is further submitted that in reply to the show cause, the petitioner annexed the order of this Court passed in CWJC No.6834 of 2017 in the case of Chanarik Baitha in which this Court directed for absorption of Chanarik Baitha in terms of the policy decision of the State of Bihar for absorbing those who were working in different departments of the Government of Bihar on deputation and directed to pay the retiral benefits according to the rules. It is further submitted that the case of the petitioner stands on similar footing.



On the other hand, the learned counsel for the State submits that the Association filed CWJC No.10016 of 2007 and the said writ petition was disposed of by order dated 06.04.2011 directing the respondents to issue order of absorption of all those petitioners. On the date of the order, i.e., 06.04.2011, the petitioner had already superannuated. The petitioner was not the member of the Association and, therefore, in pursuance of the order aforesaid, no order with regard to absorption or payment of pensionary benefits to the petitioner was passed. All other persons working on such deputation in the different departments of the Government of Bihar were absorbed and pensionary benefits were granted to them. The case of the petitioner does not come within the purview of order dated 06.04.2011, passed in CWJC No.10016 of 2007, therefore, the respondents have not disobeyed or disregarded any order. If the petitioner is at all aggrieved on account of non-pensionary benefit, the petitioner may exhaust other remedy for redressal of his grievance.

Heard the submissions of both sides and on perusal of the records, I find that the petitioner of course was working as Accounts Clerk in the Department of Integrated Child Development Scheme but he retired in the year 2008 much prior to the order dated 06.04.2011, passed in CWJC No.10016 of



2007. This Court by order dated 06.04.2011 firstly directed the respondents to issue necessary order of absorption and thereafter allowed such persons who were working on deputation in the different departments of the Government of Bihar and brought on deputation from different defunct Boards, Corporations, Public Sector Undertakings/Enterprises who allowed them to work there till their retirement but the order does not speak about such persons who were working on deputation but since retired prior to the order dated 06.04.2011. Thus, I find that by not extending the pensionary benefits to the petitioner, the respondents have not violated the order of this Court, passed in CWJC No.10016 of 2007, therefore, no further action is required.

Having considered the facts aforesaid, the contempt petition is dismissed as no further action is required.

(Prabhat Kumar Jha, J)

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