

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1322 of 2015

In

Civil Writ Jurisdiction Case No.11822 of 2013

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Md. Nasimuddin Son of Late Md. Sharfuddin, Retired Field Officer, Bihar State Co-Operative Land Development Bank now named Multi State Co-operative Land Development Bank Ltd. hereinafter referred to as Bank, Resident of Village and P.O. Daulatpur, P.S. Arrah Muffasil, District- Bhojpur

... .. Petitioner

Versus

1. The State Of Bihar
2. The Multi State Coop. Land Development Bank, Budh Marg, Patna through Shri Binod Prasad Singh, Mana
3. Shri Binod Prasad Singh, Managing Director Multi State Co-operative Land Development Bank, Budh Mar

... .. Opposite Partiess

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Appearance :

For the Petitioner : Mr. Arif Raza

For the Opposite Party Bank: Mr. Rajesh Prasad Choudhary

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

23 03-08-2022

A reply is being filed on behalf of the Bihar State Co-operative Land Development Bank Limited to a rejoinder filed on behalf of the petitioner, which has been taken on record.

It has been stated in the said reply filed today that the entire admissible dues has been paid to the petitioner in compliance of this Court's order, violation of which is being alleged in the present contempt application. It has further been stated that the amount of interest, as directed by this Court to be paid to the petitioner, has not been paid as the Bank has filed a Letters Patent Appeal against this Court's order, which is



pending.

Since the order of this Court dated 10.04.2014 passed in C.W.J.C. No. 11822 of 2013 has substantially been complied with, I am not inclined to initiate contempt proceeding against the contemnors in view of the fact that an appeal has been preferred against the said order.

It is to be noted that during the course of hearing of the present contempt application, learned counsel for the petitioner has raised an issue regarding non-payment of salary for the period November, 2001 and April, 2002 to 14.12.2002. It has been stated in the today's reply filed on behalf of the Bank that the petitioner's claim for salary for the said period was rejected way back in 2013.

Learned counsel for the petitioner has submitted that the petitioner was not in know of the letter No.502 dated 21.02.2013, whereby his claim for salary for the period above noted was rejected.

The Court, in the present contempt jurisdiction, should not go into such dispute as is being raised now by the petitioner. The petitioner shall, however, be at liberty to seek appropriate remedy in accordance with law, if, according to him, the rejection of his claim by the Bank through the said



communication dated 21.02.2013 was not proper.

It is made clear that I have not gone into the merits of the petitioner's claim for salary in respect of the said period, as such dispute is not within the scope of the present contempt proceeding. Therefore, it shall be open to the parties to take their respective stand, if any claim is raised by the petitioner in appropriate proceeding in accordance with law.

This proceeding is accordingly dropped.

(Chakradhari Sharan Singh, J)

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