

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.320 of 2023

In
Civil Writ Jurisdiction Case No.462 of 2021

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Mala Devi Wife of Late Ram Nath Singh Resident of Quarter No. 66/84,
Shastri Nagar, P.O. and P.S.- Shastri Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Suman Kumar, Director of Mantri Mandal, Sachivalaya (Raj Bhasha), Government of Bihar, Patna.
3. Sri Ravindra Nath Prasad, Executive Engineer, Karpar Mandal, Department, New Punaichak, Patna- 23.
4. Sri Shankar Prasad, D.D.O., Patna, Mantri Mandal, Sachivalaya (Raj Bhasha), Government of Bihar, Patna.
5. Sri Neel Kamal, Treasury Officer, Sachivalya Bhawan, Patna.
6. The Accounts Section, Mantri Mandal Sachivalay (Raj Bhasha), Government of Bihar, Patna and Not known name.
7. The Director of G.P.F., Pant Bhawan, Patna name not known to the Petitioner.
8. Sri Monu Kumar, J.E., Building Construction and Housing Department, Sheikhpura Sector- 2, Patna.
9. Sri P.K. Singh, Accountant General, Virchand Patel Path, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha No.3, Adv.
For the Opposite Party/s : Mr. Tej Pratap Singh, AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 22-09-2023 Heard Mr. Ashok Kumar Sinha No.3, learned counsel

for the petitioner and Mr. Tej Pratap Singh, learned counsel

representing the State.

2. The present contempt application has been filed for

initiation of a contempt proceeding against the opposite parties

for their alleged wilful defiance of the order dated 03.11.2022



passed in C.W.J.C. No. 462 of 2021.

3. It is submitted on behalf of the petitioner that admittedly all the admitted retiral dues and other benefits have been bestowed upon the petitioner but despite the observation made by this Court to consider the claim of the petitioner for refund of the amount adjusted as penal rent sympathetically in the light of the order of this Court in **Durga Prasad Upadhyaya v. State of Bihar and Ors.[2005(4) PLJR 358]**, the same has not been considered as yet.

4. The aforesaid contention of the petitioner has been refuted by the learned counsel for the State by submitting that since the petitioner had been occupied the quarter unauthorizedly, therefore, his claim is not fit to be considered.

5. A show-cause has been filed on behalf of the O.P. No.2 wherein categorical averments have been made in paras-10 to 14 that all the retiral benefits as well as the benefits under the Assured Career Progression Scheme have been credited to the petitioner and, as such, the grievance of the petitioner has been redressed.

6. Considering the aforenoted submissions made on behalf of the parties, the present contempt petition stands disposed of with a liberty to the petitioner to file a fresh



representation before the concerned authority, if till date his claim for adjustment of penal rent against the occupation of quarter has not been considered.

7. If such a representation is filed within a period of four weeks from today, the concerned respondent(s) shall consider and dispose of the same within a further period of eight weeks thereafter.

(Harish Kumar, J)

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